

EEAS Personal Data Processing Record

Ref. Article 31 of Regulation (EU) 2018/1725 - Legal obligation for maintaining records

1	Title of the processing activity	Activity of the Network of Confidential Counsellors in support of the objectives defined in the policy on protecting the dignity of the person and preventing harassment
2	Update of the record (last modification date)	04/12/2020
3	Register reference number	561
4	Identity and contact details of the Data Controller Joint Controller (if applicable) Data Processor (if applicable)	<p>Controller: European External Action Service (EEAS) Division entrusted with managing the personal data processing activity: MEDIATION SERVICE (EEAS.SG.2) R.P. Schuman 9/A, Brussels, 1040 Belgium Contact Point: The Mediator EEAS-MEDIATOR @ eeas.europa.eu Data Protection Officer: Emese Savoia-Keleti, SG.AFFGEN.DPO DATA-PROTECTION@EEAS.EUROPA.EU</p>
5	Identity and contact details of the Data Protection Officer	<p>EEAS Data Protection Officer (DPO): Emese Savoia-Keleti. SG.AFFGEN.DPO Functional Mailbox of the DPO: DATA-PROTECTION@eeas.europa.eu</p>
6	Purpose of the processing activity	<p>Purpose The purpose of the present processing operation is the activity of the network of confidential counsellors to help overcome relational problems at work or cases where an affront to the dignity of the person is alleged under an informal procedure.</p> <p>Description Confidential counsellors provide support to staff members and direct them, if appropriate, towards the relevant service(s). Tasks of the counsellors include</p> <ul style="list-style-type: none"> - to ensure that cases are handled efficiently trying to help 'persons in difficulty' with relational issues at work - to deal with the information received in strict confidentiality so as to ensure the protection of the alleged victims; - to analyse the request, monitor and prevent psychosocial risks; - to consider conciliation whenever appropriate - to provide appropriate information about relevant services whenever the concerned person wishes to start a formal procedure. <p>These activities imply the processing of personal data.</p>

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7	Legal basis and lawfulness	<ul style="list-style-type: none"> - Mandate of the EEAS Mediation Service of 9 October 2015. - Commission Decision of 26 April 2006, on the European Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment, made applicable to the EEAS by the Decision of the Chief Operating Officer of 29 November 2011 to extend the application of certain Commission rules developing the provisions of the Staff Regulations and of the Conditions of Employment of Other Servants to the EEAS. - Article 1d, Article 12a, Article 24 of the Staff Regulation. - Article 11 of the Conditions of Employment of Other Servants. <p>Further legal reference: Council Decision of 26 July 2010 establishing the organisation and functioning of the EEAS (2010/427/EU) – OJ L 201, 3/8/2010, p. 30.</p> <p>Lawfulness of processing</p> <p>The activity of confidential counsellors next to the service provided by the EEAS Mediation Service is part of a policy based on conflict and harassment prevention and on the reintegration and management of staff, which constitutes performance of a task carried out in the public interest on the basis of legislative acts adopted pursuant to the Treaties establishing the European Union and in the legitimate exercise of official authority vested in the EU institution (Article 5.1 (a) of Regulation (EU) 2018/1725). Vital interest may also be the applicable legal basis for the processing (Article 5.1 (e) of Regulation (EU) 2018/1725).</p>
8	Categories of individuals whose data is processed - Data subjects	<p>In the context of the informal procedure, a potential data subject is any person working at the EEAS both at Headquarters and in EU Delegations under the responsibility of the Head of Delegation, regardless of their status or employment contract.</p> <p>The categories of data subjects are:</p> <ul style="list-style-type: none"> - Persons who contact the confidential counsellors (persons in difficulty); - Persons who have been complained about, e.g. alleged harassers; - Witnesses or persons otherwise involved.
9	Categories of data - Data processed	<p>The data, including personal data, which may be processed for that purpose are the following:</p> <ul style="list-style-type: none"> - name, first name, age, gender, nationality; - administrative status, grade; - contact addresses; - the date on which the person contacted the Service; - case history and messages, emails and all other paper or electronic documents on the case in question sent or received by the members of the Mediation Service. <p>Depending on the circumstances of the case, special categories of data pursuant to Article 10 of Regulation (EU) 2018/1725, i.e. data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade-union membership or data concerning health or sex life, may be processed, primarily provided by the data subjects themselves.</p>

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10	Recipients of data – Access to data	<p>The recipients of the data are the Confidential Counsellors and the EEAS Mediation Service.</p> <p>Data and information transmitted to the confidential counsellors and to the lead department (Mediation Service) are dealt with in strict confidentiality. The lead department may share information with the Commission services responsible for anti-harassment policy where this is necessary for the legitimate execution of the tasks of the recipient. These data may only be transmitted to the competent bodies when a formal procedure is launched and with the prior consent of the person who gave them to the recipients.</p> <p>Transmission without prior consent can only occur in exceptional cases covered by Article 25(1) (g) of Regulation (EU) 1725/2018, for example when necessary to ensure the protection of a member of staff concerned. The information in question will not be communicated to any other third parties and not intended to be transferred to a Third Country.</p> <p>In the context of the informal procedure, the lead department and the confidential counsellors may have to share some information with other departments (Medical Service, Security Directorate, heads of services). This transmission will be restricted to the information necessary for the competent entity to carry out its task.</p> <p>If a formal procedure is launched, the Mediation Service may give some information to the Complaints Department in DG HR and/or the Investigation and Disciplinary Office (IDOC) on a case by case basis. The same occurs when national or EU judicial authorities are involved.</p> <p>Personal notes of the confidential counsellors are not to be shared nor transmitted.</p>
11	Transfer to Third Countries or International Organizations (IOs) and suitable safeguards (if applicable)	<p>The data is not intended to be transferred to a Third Country or International Organisations.</p>
12	Time limit for keeping the data - Retention period	<p>The confidential counsellor does not keep any personal data beyond the time limit necessary for him/her to accomplish his/her task (i.e. two months in general, except of an extension is granted because of an absence or leave). When this term expires, the documents sent by the person in difficulty are returned to him/her or forwarded to the Mediation Service with his/her prior consent.</p> <p>Personal data is kept for a maximum period of five years after the closure of the case by the Mediation Service. Files and sheets are stored for a further five years when a judicial or administrative procedure requiring that this documentation be consulted is still on-going when the first term expires (e.g. request for compensation, action before the Court of Justice of the European Union or national judicial authorities). Your personal data will be removed at the end of this period.</p>
13	Data Storage	<p>Electronic storage: Documents are stored in electronic form in a specific database for the administration of files operated exclusively by the Mediation Service.</p> <p>Manual storage: Physical copies of personal data are stored in a properly secured manner The Mediation Service also keeps paper files in locked offices.</p>
14	General description of security measures	<p>Appropriate organisational and technical measures are ensured according to Article 33 of Reg. (EU) 2018/1725.</p> <p>Electronic storage: If personal data needs to be kept, that data is stored on servers that abide by pertinent security rules. Data is processed by the confidential counsellors themselves. When appropriate, certain data may be processed by the Mediator and the assigned staff members of the Mediation Service. Access to specific files requires authorisation. Measures are provided to prevent unauthorised entities from access, alteration, deletion, disclosure of data. General access to personal data is only possible to recipients with a UserID/Password.</p> <p>Documents are stored in electronic form in a specific database for the administration of files operated exclusively by the Mediation Service.</p> <p>Manual storage: Physical copies of personal data are stored in a properly secured manner The Mediation Service also keeps paper files in locked offices.</p>

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15	Rights of individuals	<p>Data subjects have the right of access to their personal data and the right to correct any inaccurate or incomplete personal data. The right of rectification can only apply to factual data processed. Under certain conditions, data subjects have the right to ask the deletion of their personal data or restrict their use as well as to object at any time to the processing of their personal data on grounds relating to their particular situation. The EEAS will consider the request, take a decision and communicate it to the data subject without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary. Data subjects are informed in the Privacy Statement that they can find more information in Articles 14 to 21, 23 and 24 of Regulation (EU) 2018/1725. In specific cases, restrictions under Article 25 of the Regulation may apply. If data subjects have questions concerning the processing of their personal data, they may address them to the Data Controller via the functional mailbox: EEAS MEDIATOR (EEAS-MEDIATOR @ eeas.europa.eu)</p> <p>A specific Privacy Statement is available on the activity of Confidential Counsellors for the 'persons in difficulty'. If and when deemed appropriate, data subjects other than the person in difficulty will also be referred to the Privacy Statement available on the intranet in order to ensure that they are fully aware of their rights.</p> <p>The Privacy Statement on the activity of the Mediation Service is also accessible for data subjects.</p>
16	Information to data subjects	<p>A specific Privacy Statement is available on the activity of Confidential Counsellors for the 'persons in difficulty'. If and when deemed appropriate, data subjects other than the person in difficulty will also be referred to the Privacy Statement available on the intranet in order to ensure that they are fully aware of their rights.</p> <p>The Privacy Statement on the activity of the Mediation Service is also accessible for data subjects.</p>