

EDPS record of processing activity

Record of EDPS activities processing personal data, based on Article 31 of Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

Nr.	Item	Description
		EDPS informal anti-harassment procedure
1.	Last update of this record	03/12/2018
2.	Reference number	06
3.	Name and contact details of controller	European Data Protection Supervisor (EDPS) Postal address: Rue Wiertz 60, B-1047 Brussels Office address: Rue Montoyer 30, B-1000 Brussels Telephone: +32 2 283 19 00 Email: edps@edps.europa.eu <u>Responsible department or role:</u> HRBA unit Contact form for enquiries on processing of personal data to be preferably used: https://edps.europa.eu/node/759
4.	Name and contact details of DPO	dpo@edps.europa.eu
5.	Name and contact details of joint controller (where applicable)	



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6.	Name and contact details of processor (where applicable)	<p>Investigation and Disciplinary Office of the Commission (IDOC) : HR-MAIL-IDOC@ec.europa.eu</p> <p>Whereas a formal and an informal procedure exist, IDOC is a recipient in the formal procedure only - The EDPS AIPN informs IDOC of recurrent cases.</p>
7.	Very short description and purpose of the processing	<p>To prevent and to deal effectively and efficiently with any actual or potential cases of psychological or sexual harassment at the workplace. The confidential counsellors of the EDPS are appointed by agreement between the Director and the Staff Committee.</p> <p>The scope of this record is the informal procedure only. Confidential counsellors act as support agents and may meet the alleged harassed at their request and may as well meet the alleged harasser but only if the alleged harassed has asked to. Then the confidential counsellor may act as a mediator.</p> <p>The main role of confidential counsellors is to support in an informal manner colleagues who request help and their objective is to find an amicable solution.</p> <p>Should the alleged harassed find the informal procedure insufficient to resolve the matter/incident, the confidential counsellor will inform the alleged harassed of the formal procedure. The confidential counsellor will not launch the formal procedure, it is up to the alleged harassed to do so.</p>
8.	Description of categories of persons whose data the EDPS processes and list of data categories	<p>The informal procedure does not allow for formal recording of the encounters done by the confidential counsellors.</p> <p><u>Soft data (or subjective)</u>: i.e. allegation and declaration based upon the subjective perceptions of data subjects, usually collected by means of the personal notes of the counsellors.</p> <p>The collection of soft data does not follow systematic rules as to the type of data processed; it is not possible to determine a priori the type of data collected. Yet the collection must comply with data protection principles. The data collected by the counsellors must be adequate, relevant and not excessive in relation to the fight against harassment. This analysis must be conducted on a case by case basis by the counsellors.</p>



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		The notes will contain statements and communications of persons allegedly subject to harassment, defendants or witnesses. These documents may contain data relating to third parties. The data may also relate to health, sex life or to suspected offences.
9.	Time limit for keeping the data	<u>Soft data:</u> Will not be kept further than the necessary time for the procedure to reach an end, and for a maximum of 3 months after the closure of the case.
10.	Recipients of the data	- Confidential Counsellors The data and information provided to confidential counsellors by the alleged harassed or alleged harasser are treated in the strictest confidence. This data can be provided to the competent authorities in the framework of informal procedures on harassment and with the consent of the person who forwarded them. Transmission can be made without consent only in cases of exception provided for in Regulation with Article 25 §1 h), that is to say, when this is necessary to ensure the protection of those concerned. The confidential counsellor may be required to process a case under the informal procedure, to communicate certain information to others (medical service, security service, social workers and human resource managers) in the eventuality that the confidential counsellor believes the alleged harassed to be under harm and therefore to be in real danger. The information transmitted will be limited to what the other person needs to know to perform the duties. There are no other possible recipients of the data in the informal procedure.
11.	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	No



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12.	General description of security measures, where possible.	<p>The informal procedure does not involve formal recordings of the facts or the application of penalties. Though, some notes could be taken by the confidential counsellor.</p> <p>The confidential counsellor signs a confidentiality agreement stating that the issues discussed with the alleged harassed and/or the alleged harasser are to remain confidential and are very delicate and sensitive. The document will be kept by the confidential counsellor and a copy will be given to the alleged harassed and to the alleged harasser should the confidential counsellor meet him.</p> <p>Normally notes of the encounters and other data will be locked away by the counsellors in a cupboard or a drawer when not in use. The EDPS will verify whether establishing appropriate physical access control measures in all areas where paper files related to the procedure are processed.</p> <p>All personal notes are to be destroyed when the informal procedure ends within the timeline given under item 9 of this very record.</p>
13.	For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the data protection notice:	DPN published on the EDPS intranet.

