

<b>REGISTER NUMBER: 589</b>
<b>NOTIFICATION FOR PRIOR CHECKING</b>
<p>Date of submission: 27/04/2010</p> <p>Case number: 2010-318</p> <p>Institution: EASA</p> <p>Legal basis: article 27-5 of the regulation CE 45/2001<sup>(1)</sup></p> <p style="text-align: right;"><i>(1) OJ L 8, 12.01.2001</i></p>

<b>INFORMATION TO BE GIVEN <sup>(2)</sup></b>
<i>(2) Please attach all necessary backup documents</i>
<p>1/ Name and adress of the controller</p> <p>Surname: LORENZET      First Name: Andrea  E-mail: Andrea.lorenzet@easa.europa.eu  Function: Head of Personnel  Administrative Address: European Aviation Safety Agency (EASA) , Ottoplatz, 1 D-50679 Köln, Germany</p>
<p>2/ Organisational parts of the institution or body entrusted with the processing of personal data</p> <p>Human Resources Department of EASA</p>
<p>3/ Name of the processing</p> <p>EASA policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment</p>
<p>4/ Purpose or purposes of the processing</p> <ul style="list-style-type: none"> <li>• To ensure the support and protection of victims, and to direct them if needed towards the appropriate services;</li> <li>• To provide effective case management and to seek to resolve cases on the basis of information which is as comprehensive as possible;</li> <li>• To ensure the confidentiality of information received, in order to protect victims and alleged harassers;</li> <li>• To undertake conciliation attempts;</li> <li>• To put in place preventive measures and initiatives;</li> <li>• To monitor and evaluate the procedure;</li> <li>• To analyse requests, to manage and to prevent psycho-social risks;</li> <li>• To identify persons involved in a recurrent or multiple case and to advise the Appointing Authority accordingly;</li> <li>• To transmit appropriate information to the authorised bodies (ED, Disciplinary Board, Legal Department) in the event of transition to the formal procedure;</li> <li>• To respond to questions from the Legal Department or the national or Community judicial authorities.</li> </ul>

<p>5/ Description of the category or categories of data subjects</p> <p>The policy covers the rights of Staff Members, Seconded National Experts (SNEs), Trainees, Interims.</p>
<p>6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)</p> <p>There is no systematic rule with regard to different types of data which may be collected. Very different types of data may be come accross, which largely depend on the case in question. Due to the special nature of harassment, this data must be considered to be subjective, influenced by emotion and closely linked with the view of the person providing the information.</p> <p>With the consent of the alleged victim the confidential counsellors will take personal notes. The nature of the data collected will depend on the case in question and the willingness of the data subject to share information. In particular, in the framework of this procedure, sensitive data related to suspected offences and or offences might be processed. In general, the process might refer to data connected to the working and personal situation of the data subject. Personal data such as nationality, family status, age, and more data that the harassed person might be willing to share with the counsellor to solve the problem, are very likely to be proces</p>
<p>7/ Information to be given to data subjects</p> <p>Section 6 of the Manual of Procedures for the implementation of the EASA policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment (herewith enclosed in attachment) and annex 6 of the mentioned manual "Declaration on the protection of personal data within the framework of an informal procedure following alleged psychological or sexual harassment (Specific privacy treatment)", provide information to the data subject in accordance with article 11 and 12 of Regulation (EC) 45/2001. The Manual of Procedures containing the rules applicable to data protection will be brought to the attention of staff by publication on the Intranet and by an administrative bulletin.</p>
<p>8/ Procedures to grant rights of data subjects (rights of access, to rectify, to block, to erase, to object)</p> <p>As specified in the Annex 6 of the Manual, in the "Declaration on the protection of personal data within the framework of an informal procedure following alleged psychological or sexual harassment (Specific privacy treatment)" , Data subjects may apply to the Data Controller to access the information/documents relating to them and to exercise their right in accordance to the Regulation.</p>
<p>9/ Automated / Manual processing operation</p> <p>non-automated processing of data, intended to form part of a filing system</p>
<p>10/ Storage media of data</p> <p>The form of storage is anonymous. After the first incoming request a unique reference number is allocated to the file by the HR Department; from this point onwards, the files will be identified only by this number, therefore all files will be anonymous.</p>

<p>11/ Legal basis and lawfulness of the processing operation</p> <p>Staff Regulations (in particular Articles 1d, 12 and 12a) and Conditions of employment of other servants of the European Communities (in particular Articles 11 and 81), EASA policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment (ED Decision 2008/180/A), Manual of Procedures for the aforementioned policy.</p> <p>Files will be stored in a safe in the HR Department. After a meeting with a victim the confidential counsellors shall always hand over personal notes and documents received to the HR Department, where the data can be stored in a safe.</p>
<p>12/ The recipients or categories of recipient to whom the data might be disclosed</p> <p>Confidential Counsellors and selected members of the HR Management &amp; Development Section within the HR Department as well as the Head of Personnel, ED and Legal Department in case of the opening of a formal procedure. In case a formal procedure is open, it might be necessary to provide information to the investigation team or to the expert, appointed by the Executive Director to pursue the complaint. In rare cases the HR Department may be required to answer any questions from national or Community judicial authorities.</p>
<p>13/ retention policy of (categories of) personal data</p> <p>5 years from the date of the start of an informal procedure, this period is required with regard to the follow-up evaluation of the policy, the response to any questions by judicial authorities and the identification of recurrent or multiple cases.</p>
<p>13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject)</p> <p><i>(Please, specify the time limits for every category, if applicable)</i></p>
<p>14/ Historical, statistical or scientific purposes</p> <p><i>If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification,</i></p> <p>Statistics are envisaged, please see the anonymous statistical report in attachment. This information will first only be available for the responsible HR Assistant, the Section Manager and the Head of Personnel, this data could be used to detect departments/sections with frequent/cumulative cases. From the collected data only specific information will be brought to the attention of the Directors and only very general information might be published for all EASA.</p>
<p>15/ Proposed transfers of data to third countries or international organisations</p> <p>N/A</p>

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):

AS FORESEEN IN:

X ☐ Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

X ☐ Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

☐ Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

☐ Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

☐ Other (general concept in Article 27.1)

17/ Comments

This notification is made for the purpose of triggering a "true" prior check procedure. The processing at stake and the relevant procedures have not been adopted yet.

The Manual of Procedures follows to a large extent the processes and guidelines for data protection foreseen in the Manual of Procedures of the European Commission. However there are some areas where we adapted the processes to the specific needs of EASA

PLACE AND DATE: Cologne, 26 April 2010

DATA PROTECTION OFFICER: Francesca Pavesi

INSTITUTION OR BODY: European Aviation Safety Agency