

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 27/03/2012

Case number: 2012-0302

Notification of: EMSA

Legal basis: Article 27-5 of the regulation CE n° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN²

Name and address of the controller

Cristina Romy-Lopez
Head of Unit A.1 Human Resources
European Maritime Safety Agency
Cais do Sodré
1249-206 Lisbon, Portugal

Organisational parts of the institution or body entrusted with the processing of personal data

Unit A.1 Human Resources

Name of the processing:

Policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment.

Description:

The policy has as its objective the creation of an informal and formal procedures relating to psychological and sexual harassment and to enable the employer to take appropriate action at the end of the formal procedure.

In the ambit of informal procedure, Confidential Counsellors were selected for a period of 2 years with which is renewable. The call was published on the 6th of September, the interviews were held on the 15th of November. The selection panel consisted of Head of Department A, Head of Unit B1, DPO officer and a representative of Staff Committee, as well as a member of HR sector as a secretary. Four candidates were selected while others were placed on the reserve list and they will all undergo the training for confidential counsellors. They will be appointed by the Executive Director.

¹ OJ L 8, 12.01.2001.

² Please attach all necessary backup documents

See for more details in particular points 6.2 and 6.3 of the Decision of the Administrative Board of 20th of November 2009 on the EMSA policy on the protecting dignity of the person and preventing psychological harassment and sexual harassment (attached: Annex I), as well as the Note to the Director of EMSA on the conclusions of the selection of EMSA Confidential Counsellors (Annex II)

Purpose or purposes of the processing

- To set up a policy on the prevention of harassment and give to anyone who feels that they are a victim of harassment access to informal procedure;
- To set up the formal procedure against harassment.

Description of the category or categories of data subjects:

EMSA staff (persons who feel they have been victims to harassment as well as those who are accused of harassment).

- Every person working in EMSA (including trainees) can initiate an informal procedure
- Only staff covered by SR (permanent, temporary, contract, local, special advisors) and SNEs have access to the formal procedure.
- Witnesses: Any person aware of or who is witness to conduct which appears to be harassment

Description of the data or categories of data (including, if applicable, special categories of data (Article 10) and/or origin of data):

Name and information related to work environment and to the facts that are the basis of the procedure

Factual data concerning the events or behaviour considered harassment

Opening and closing forms (to come in the future)

Anonymous statistical form (to come in the future)

Manual of procedures for Confidential Counsellors (to come in the future)

Information to be given to data subjects:

A data protection clause + more elaborate information (attached, Annex III) on DPO Intranet page.

Moreover, there will be a dedicated entry on the Human Resources Intranet which will contain:

- The Decision of the Administrative Board of 20th of November 2009 on the EMSA policy on the protecting dignity of the person and preventing psychological harassment and sexual harassment (attached: Annex I)

- The information about who are the confidential counsellors (attached: Conclusions of the selection of confidential counsellors, Annex II) for the purpose of the informal procedure
- The manual of informal procedures for Confidential Counsellors and its annexes (in the future)

- The explanation on the informal and formal procedures
- The data protection clause explaining how the data is handled;

Any personal data processed within the ambit of informal or formal procedure for the prevention of harassment will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movements of such data. It shall be processed solely for the purpose of the relevant procedure for the prevention of harassment.

The Data Subject shall have the right of access to his/her personal data and the right to rectify any such data that is inaccurate or incomplete. Should he/she have any queries concerning the processing of his/her personal data, (s)he shall address them to the controller of the data, Head of Human Resources unit.

The Data Subject shall have right of recourse at any time to the European Data Protection Supervisor

Procedures to grant rights of data subjects:

The data subject has access to his personal file in EMSA.

The alleged victim is allowed to see the opening and closing forms of his/her case

The alleged harasser is informed that there is an informal procedure against them by the confidential counsellor or the Coordinator for Confidential Counsellors

The data subject can direct its queries to the data controller, Head of Human Resources unit, and he will be able to exercise his or her rights (access, corrections, blocking – if justified)

Automated / manual processing operation:

Manual

Legal basis of the processing operation:

Art. 1d, 12, 12(a) and 24 of the Staff Regulations, as well as art. 11 of the Conditions of Employment of other Servants.

The recipients or categories of recipient to whom the data might be disclosed;

The HR Coordinator for Confidential Counsellors
Confidential Counsellor

Head of Unit A1, Head of Department A 'Corporate Services', Executive Director only for recurrent harassment cases

In case of formal procedure also Executive Director and investigation team or expert(s)

Internal Auditor if needed

The data might be transferred if needed to the community Court or European Ombudsman if needed

General indication of the time limits for blocking and/or erasing of the different categories of data (*Please, specify the time limits for every category, if applicable*):

5 years after the closure of the case

Historical, statistical or scientific purposes:

none

Proposed transfers of data to third countries or international organisations:

none

The processing operation presents specific risk which justifies prior checking (*Please describe*):

as foreseen in:

1 Article 27.2.(a)

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

Place and date: Lisbon, 27/03/2012

Data Protection Officer: Malgorzata Nesterowicz

Institution or body: European Maritime Safety Agency