



European Labour Authority

DATA PROTECTION OFFICER

RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA

DPR-ELA-2022-0031: Anti-harassment procedure

1 PART 1: PUBLIC - RECORD (ARTICLE 31¹)**1.1 GENERAL INFORMATION**

Record reference	DPR-ELA-2022-0031
Title of the processing operation	Anti-harassment procedure
Controller entity	European Labour Authority, Human Resources Sector (ELA HR)
Joint controllers	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES, fill in details below
Processor(s)	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES, fill in details below
External organisation(s)/entity(ies) Names and contact details	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES Microsoft Ireland South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, Ireland. The European Labour Authority's contractors are bound by a specific contractual clause for any processing operations of personal data on behalf of the European Labour Authority, and by the confidentiality obligations deriving from the General Data Protection Regulation.
Data Protection Officer Name and contact details	Laura NUNEZ BAREZ Landererova 12, 811 09 Bratislava I Slovakia Email: data-protection@ela.europa.eu
Corporate Record	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Language of the record	English

¹ Pursuant to **article 31** of the new data protection regulation for EU institutions and bodies (**Regulation (EU) 2018/1725**) each controller and processor have to maintain a **record of processing activities** under its responsibility that contains at least the information listed under that article.

1.2 PURPOSE AND DESCRIPTION OF THE PROCESSING

1.2.1 Purpose

The anti-harassment informal procedure is lead by the confidential counsellors appointed at the European Labour Authority (ELA), who act in accordance with the principles, procedures and arrangements laid down in the policy on the prevention of psychological harassment and sexual harassment at ELA, annexed to Decision No 6/2022 of 15 March 2022 of the Management Board on the European Labour Authority policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment.

Confidential counsellors are staff members appointed by the Executive Director for a two-year term (which may be renewed), on a voluntary basis. Their role and mandate is to listen, help, support, provide information and accompany persons seeking their assistance in situations perceived to involve psychological or sexual harassment. The role of confidential counsellors starts when they are contacted by an alleged victim of psychological or sexual harassment and it continues in case an informal procedure is opened and until its closure.

The purpose of this processing of personal data is the performance of the informal procedure as described in the Manual of Informal Procedures within the framework of the ELA policy on the prevention of harassment.

[This record aims also to cover the selection procedure for the confidential counsellors at the European Labour Authority described in the above mentioned Manual.](#)

The processing is performed under the highest degree of confidentiality.

1.2.2 Processing for further purposes

- Archiving in the public interest
- Scientific or historical research purposes
- Statistical purposes
- Safeguards in place to ensure data minimisation
 - Pseudonymisation
 - Any other, specify

1.2.3 Modes of processing

1. Automated processing (Article 24)
 - a. Computer/machine
 - i. automated individual decision-making , including profiling
 - ii. Online form/feedback
 - iii. Any other, specify
2. Manual processing
 - a. Word documents
 - b. Excel sheet
 - c. Any other, specify
3. Any other mode, specify

[As specified in the policy on the prevention of psychological harassment and sexual harassment and in the above mentioned manual, the appointment of confidential counsellors is based on an open call for applications and selection criteria which will be published by the Authority in an administrative notice \(prior training, necessary seniority, any exclusion criteria, etc.\).](#)

[Confidential counsellors are pre-selected by HR and should there be a need, interviewed by a selection panel.](#)

[The selection panel's choice is submitted to the Executive Director who officially appoints the confidential counsellors when specific training is undertaken.](#)

Counsellors will be appointed on a voluntary basis and, to ensure continuity within the network, appointments will be for two years, renewable.

Before being appointed, counsellors will receive special training in targeted modules.

They will subsequently receive ongoing training and appropriate supervision for such counselling work.

Description

ELA staff are provided with the MS 365 Office products to be able to access work documents from different devices and locations, and to carry out ELA's tasks.

1.2.4 Storage medium

- 1. Paper
- 2. Electronic
 - a. Digital (MS documents (Word, excel, Powerpoint), Adobe pdf, Audiovisual/multimedia assets, Image files (.JPEG, .PNG, etc.))
 - b. Databases
 - c. Servers
 - d. Cloud
- External contractor premises

1.2.5 Comments on the processing of the data

Each and every person working at the Authority, regardless of grade or contract of employment (this includes the trainees and all those working under a contract under national law), may, if they feel they are the victim of psychological harassment or sexual harassment by a member of staff of the Authority, initiate an **informal procedure**.

Staff covered by the Staff Regulations and Seconded National Experts have access to the **formal procedure**.

If the report proposes the opening of a disciplinary proceedings, the appointing authority may decide to open it. This process will be covered by record "DPR-ELA-2022-0036: Administrative inquires and disciplinary procedure".

1.3 DATA SUBJECTS AND DATA CATEGORIES

1.3.1 Data subjects' categories

1. Internal to organisation	ELA Staff: The Confidential Counsellors, the alleged victim and the alleged harasser.
2. External to organisation	Any person working at the Authority not covered by the Staff Regulations working under a contract under national law

1.3.2 Data categories/fields

Description:

For the purpose of the informal procedure within the framework of the ELA's policy on the prevention of psychological harassment and sexual harassment, the following personal data may be processed:

Confidential Counsellors

Name, Surname, Email, Advice, Report.

During the [selection procedure](#) of the confidential counsellors, the following personal data will be collected:

Name, Surname, Gender, Email, personal data related to the eligibility criteria (Status: Temporary Agent/Contract Agent), personal data related to exclusion and selection criteria, self-assessment application form, statement of honour dated and signed.

Exclusion criteria will be any of the following: elected staff committee representative, staff responsible for the harassment prevention policy, staff responsible for handling requests/complaints/appeals or administrative inquiries or disciplinary procedures, any person whom are subject to an administrative inquiry or disciplinary proceedings or persons who have been subject to a disciplinary sanction

Alleged victim and alleged harasser

- Name, Surname, Email, Unit/Team mentioned in the opening form and in the closing form;
- Information/evidence on the alleged harassment.
The information and documents related to the case which might vary depending on the specific circumstances of each case. This information may include personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, data concerning health or data concerning a natural person's sex life or sexual orientation only if strictly necessary for the performance of the informal procedure, in compliance with Article 10(2) of the Regulation (EU) 2018/1725.

Witnesses

- Name, Surname, Email, Unit/Team, Description of the facts/declaration.

The data collected by the confidential counsellors is 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.

1.3.2.1 Special categories of personal data

Indicate if the processing operation concerns any 'special categories of data' which fall(s) under Article 10(1), which shall be prohibited unless any of the reasons under article 10(2) applies:

Yes , the processing concerns the following special category(ies):

Data revealing

- racial or ethnic origin,
- political opinions,
- religious or philosophical beliefs,
- trade union membership,

Or/and,

- Genetic data, biometric data for the purpose of uniquely identifying a natural person,
- Data concerning health,
- Data concerning a natural person's sex life or sexual orientation.

Description:

The information covered by this record may include personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, data concerning health or data concerning a natural person's sex life or sexual orientation only if strictly necessary for the performance of the informal procedure, in compliance with Article 10(2) of the Regulation (EU) 2018/1725.

If applicable, indicate the reasons under article 10(2) allowing the processing of the special categories of data:

- (a) The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, [...].
- (b) Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security [...].
- (c) Processing is necessary to protect the vital interests of the data subject or of another person where the data subject is physically or legally incapable of giving consent.
- (d) Processing is carried out in the course of its legitimate activities with appropriate safeguards by a non-profit-seeking body which constitutes an entity integrated in a Union institution or body and with a political, philosophical, religious or trade-union aim [...].
- (e) Processing relates to personal data which are manifestly made public by the data subject.
- (f) Processing is necessary for the establishment, exercise or defense of legal claims or whenever the Court of Justice of the European Union is acting in its judicial capacity.
- (g) Processing is necessary for reasons of substantial public interest, [...]
- (h) Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services [...].
- (i) Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices [...].
- (j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes [...].

1.3.2.2 Data related to 'criminal convictions and offences'

The data being processed contain sensitive data which fall(s) under Article 11 'criminal convictions and offences'	N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Description:	

1.4 RETENTION PERIOD

Indicate the administrative time limit(s) for keeping the personal data per data category, and if known, specify the start/end date, or describe the specific start/end moment of each time limit:

Data category	Retention period	Optional	
		Start date/moment	End date/moment
Personal data related to an informal procedure not communicated to the alleged harasser or where no further action was taken	3 months from the moment it was decided no further action will be taken and or the alleged harasser will not be informed.		
Personal data related to an informal procedure where the alleged harasser was informed	3 years from the moment the alleged harasser was informed		
Personal data related to Counsellors	Non selected candidates: deleted after the selection is finished Selected candidates: 2 years term with the possibility of renewal. Personal data will be deleted once the term is finished.		

Description

When the informal procedure has been closed and the alleged harasser has not been informed, the confidential counsellors shall destroy all personal data and related documents after three (3) months. The same applies when the alleged victim contacted the confidential counsellor and no further action has been taken.

When the alleged harasser has been informed, all documents containing personal data, including the completed opening and closing forms, transmitted to the HR Manager will be kept during 3 years as from receipt.

Personal data related to counsellors will be kept for:

Non-selected candidates: will be destroyed immediately after the selection and nomination of the selected candidates is finished.

Selected candidates: Personal data will be deleted once the terms is finished.

Anonymous statistics will be shared with all ELA staff.

1.5 RECIPIENTS

Origin of the recipients of the data	
1. <input checked="" type="checkbox"/> Within the EU organization	The Confidential Counsellors, the alleged victim and the alleged harasser. Authorised HR Officer and Human Resources manager Line managers Selection Panel Executive Director
2. <input checked="" type="checkbox"/> Outside the EU organization	The Authority Medical Officer OLAF National authorities

Categories of the data recipients	
1. <input checked="" type="checkbox"/> A natural or legal person	
2. <input type="checkbox"/> Public authority	
3. <input type="checkbox"/> Agency	
4. <input type="checkbox"/> Any other third party, specify	
Specify who has access to which parts of the data:	

Description

Taking account of the principle of confidentiality to be strictly adhered to by all parties involved in the context of the informal procedure, the following persons will have access to personal data:

- The confidential counsellor(s) in charge of the core activity in the context of the informal procedure;
- The HR Officer in charge of anti-harassment procedure with regard to the opening and closing forms of the informal procedure as well as the confidential statistical forms;
- Parties involved in the context of the informal procedure (alleged victim and alleged harasser).

Recipients of personal data should be reminded that they may process the data only for the applicable purposes and in compliance with Regulation(EU) 2018/1725.

In the context of the informal procedure, the confidential counsellor may need to provide certain information to other bodies in case of serious danger (e.g. Medical Service, Welfare Officers, the Head of Human Resources Unit, the Executive Director) if the alleged victim agrees, except in case of potential serious danger for a person where no agreement is needed. The confidential counsellor may also need to transfer personal data, within the limits of the applicable procedures, to the aforementioned services as well as to the Disciplinary Board.

The information provided will be limited to what the contact person needs to know in order to be able to perform his/her duties. During the informal procedure, personal data may be made available from one confidential counsellor to another after agreement of the alleged victim, due to a conflict of interest of the confidential counsellor with regard to the case handled, his/her prolonged leave, or his/her withdrawal from the mandate as confidential counsellor.

For the purpose of identifying multiple or recurrent harassment cases, the confidential counsellors may have to share information with the Executive Director and the Head of Human Resources Unit.

In case of complaints the personal data may be disclosed to the Human Resources Manager and/or Legal Officer. In case of control or dispute, the data may be requested for instance by the European Ombudsman, Court of Justice of the European Union, or the European Data Protection Supervisor or competent national judicial authorities in the context of legal action.

Any person not covered by the Staff Regulations working under a contract under national law and wishing to lodge a complaint concerning psychological harassment or sexual harassment against a member of Authority staff may do so under national legislation.

Regarding the [selection and appointment of the confidential counsellors](#), all data categories are available to the Selection Panel, should there be a need for interviews.

Personal data will not be used for any other purposes nor disclosed to any other recipient.

1.6 INTERNATIONAL DATA TRANSFERS

Transfer to third countries or international organisations of personal data
<p>1. Transfer outside of the EU or EEA</p> <p><input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur</p> <p><input type="checkbox"/> YES,</p>
<p>2. Transfer to international organisation(s)</p> <p><input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur</p> <p><input type="checkbox"/> Yes, specify further details about the transfer below</p>
<p>3. Derogations for specific situations (Article 50.1 (a) –(g))</p> <p><input checked="" type="checkbox"/> N /A</p> <p><input type="checkbox"/> Yes, derogation(s) for specific situations in accordance with article 50.1 (a) –(g) apply (ies).</p>

1.7 INFORMATION TO DATA SUBJECTS ON THEIR RIGHTS

Rights of the data subjects
<p><i>Article 17 – Right of access by the data subject</i></p> <p><i>Article 18 – Right to rectification</i></p> <p><i>Article 19 – Right to erasure (right to be forgotten)</i></p>

Article 20 – Right to restriction of processing

Article 21 – Notification obligation regarding rectification or erasure of personal data or restriction of processing

Article 22 – Right to data portability

Article 23 – Right to object

Article 24 – Rights related to Automated individual decision-making, including profiling

1.7.1 Privacy statement

The data subjects are informed about their rights and how to exercise them in the form of the a privacy statement attached to this record.

Publication of the privacy statement

Published on website

Web location:

- ELA internal website (URL: SharePoint on Personal Data Protection)
- External website (URL: <https://www.ela.europa.eu/en/privacy-policy>)

Other form of publication, specify

Two Privacy Statements will be prepared linked to this record:

- Privacy Statement confidential counsellors: will be published with the call for counsellors and published in the HR corner available for all ELA Staff.
- Privacy statement Anti-harassment informal procedure

Guidance for Data subjects which explains how and where to consult the privacy statement is available and will be provided at the beginning of the processing operation.

Description:

Guidance in data subjects' rights is available on ELA main website.

1.8 SECURITY MEASURES

Short summary of overall Technical and Organizational Measures implemented to ensure Information Security:

Description:

All data in electronic format (e-mails, documents, uploaded batches of data etc.) are stored either on the servers of the European Labour Authority or of its contractors.

The European Labour Authority's contractors are bound by a specific contractual clause for any processing operations of personal data on behalf of the European Labour Authority, and by the confidentiality obligations deriving from the General Data Protection Regulation.

In order to protect personal data, the European Labour Authority has put in place a number of technical and organisational measures. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed.

Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.