



Data Protection Notice for

Processing of personal data within the framework of the Anti-harassment Policy

The European Health and Digital Executive Agency (HaDEA) processes your personal data¹ in line with [Regulation \(EU\) 2018/1725 of the European Parliament and of the Council of 23 October 2018](#)² on the protection of personal data by the European Union's institutions, bodies and agencies and on the free movement of such data.

What is the purpose(s) of this processing activity?

The processing of personal data is necessary in order to implement the anti-harassment policy, to prevent and remedy cases of alleged harassment within the Agency during the so-called informal procedure.

The informal procedure aims at helping and protecting the alleged victim at an early stage. In particular, at this stage, the confidential counsellors support the person seeking help by looking at different aspects of the case and examine options or conciliation.

Presumed victims may also initiate the formal procedure under Article 24 of the Staff Regulations, which may be processed by IDOC.

The personal data is collected and processed with the following aims:

- to support and protect the victim;
- to be able to refer cases to the relevant services;
- to provide efficient and proper administration of cases, to be solved as soon as possible;
- to guarantee confidentiality and create conciliation;
- to prevent cases;
- to review request for help and any need for psychological support;
- to identify recurrent cases and provide references for disciplinary actions where applicable;
- to provide data for the formal procedure and to reply to the Ombudsman or legal authorities at the national or European level, in the case that the complaint leads to a formal procedure.

¹ **Personal data** shall mean any information relating to an identified or identifiable natural person ('data subject'). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

² 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 (OJ L295/39 of 21.11.2018).

This processing does not cover the selection of Confidential Counsellors, which are covered by another data protection notice, nor the formal procedure per se, which is not handled by the Agency. Administrative inquiries are also covered by another specific data protection notice.

At the end of each year, anonymous statistical data are collected and analysed to enable an assessment of developments in the situation and, where appropriate, to adapt the action to be taken, notably as regards prevention. Confidential Counsellors are responsible for completing an anonymous statistical form for each case handled, even if only in a brief and informal manner. The file opening and closing forms are sent to the Anti-Harassment Coordinator of the Agency where the victim works once a case has been closed.

Who is the data controller?

The data controller of the processing operation is the Head of the unit C.3 Staff, Communication and Support of the European Health and Digital Executive Agency (HaDEA).

Which personal data is collected?

The following of your personal data are collected:

- Administrative data of the alleged victim, alleged harasser, and/or witness or other person implicated e.g. name (surname at birth, current surname, forename), professional address (street, postcode, place, country), phone number (office & GSM), email address, unit/department, office number, date & place of birth, gender, nationality, etc.
- Relevant data for the harassment case collected through the Confidential Counsellors or directly from the alleged victim, including the alleged working and personal situation of the data subject and of other implicated persons. In particular, sensitive data relating to physical or psychological harassment might be processed.

Who has access to the personal data of data subjects and to whom can they be disclosed?

Data will only be transmitted to the competent bodies (below mentioned as recipients) when the procedure is launched and with the prior explicit consent of the person who gave them to the recipients. Transmission without explicit prior consent can only occur in exceptional cases covered by Article 5(1)(e) of Regulation (EU) 2018/1725, i.e. when necessary to ensure the protection of the alleged victims (vital interest).

The recipients of your personal data will be, on a need to know basis, HaDEA staff in charge of harassment prevention and the Director of HaDEA.

On a need to know basis and in compliance with the relevant current legislation, bodies charged with monitoring or inspection tasks in application of EU law (e.g. EC internal audit, Court of Auditors, European Anti-fraud Office (OLAF), the European Ombudsman, the European Data Protection Supervisor, the European Public Prosecutor).

Your personal data **will not be transferred** to third countries or international organisations.

The processing of your data will **not include automated decision-making** (such as profiling).

Which is the legal basis for processing your personal data?

The legal basis for the processing activities are:

Article 5.1 (a), (b), (d) & (e) of the Regulation:

- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body;
- processing is necessary for compliance with a legal obligation to which the controller is subject;
- the data subject has given explicit consent to the processing of his or her personal data for one or more specific purposes;
- processing is necessary in order to protect the vital interests of the data subject.

Legal grounds:

- i. Commission Decision C(2006)1624/3 on the European Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment;
- ii. Staff Regulations on officials of the European Communities and the Conditions of employment of other servants of the European Communities: Articles 1 (d), 12, 12 (a) and 24 of the Staff Regulations, and Articles 11 and 81 of the CEOS. Article 12 (a) of the Staff Regulations provides that "officials shall refrain from any form of psychological harassment";
- iii. Decision SC01(2021)06 of the HaDEA Steering Committee of 26 February 2021 on the application by analogy of the implementing rules of the Staff Regulations and in particular Commission Decision C(2006) 1624/3 of 26/04/2006 on prevention of harassment;
- iv. Memorandum of Understanding on the inter-agency network of Confidential Counsellors.

How to withdraw your consent and the consequences of doing this

If you want us to delete your personal data please contact us.

Please note that withdrawing your consent does not affect the lawfulness of any processing based on your consent before this consent is withdrawn. Attention is drawn to the consequences of a delete request, which means that all your contact details will be lost.

How long do we keep your personal data?

The Agency applies the principles and retention periods indicated in Common Retention List of the Commission³.

The Anti-Harassment Coordinator shall keep the files (both opening and closing files with the case) for a period of no more than five years after the outcome of the informal

³ SEC (2019) 900/2 - ARES(2019)4374520 – 09/07/2019.

procedure. This period is necessary to evaluate the policy, reply to legal questions and identify possible recurrent cases.

If at the date of the expiration of the initial five years, there are ongoing legal or administrative proceedings, which may necessitate the consultation of the files, records shall be kept until the rights for appeal expire.

The Confidential Counsellor does not keep any personal data beyond the time limit necessary for him or her to accomplish his /her task.

The Confidential Counsellor shall not keep data more than three months after having finished his/her tasks and closure of the case (file closing form). When the term expires, the documents sent by the alleged victim are returned to him or her or handed in to the Anti-Harassment Coordinator with the alleged victim's explicit consent in line with the security measures described below.

If the alleged harasser has not been informed of the existence of an informal procedure, no data relating to him/her shall be kept in the archives of the Anti-Harassment Coordinator.

What are your rights regarding your personal data?

You have the right to access your personal data and to request your personal data to be rectified, if the data is inaccurate or incomplete; where applicable, you have the right to request restriction or to object to processing, to request a copy or erasure of your personal data held by the data controller. If processing is based on your consent, you have the right to withdraw your consent at any time, without affecting the lawfulness of the processing based on your consent before its withdrawal.

Your request to exercise one of the above rights will be dealt with without undue delay and within **one month**.

Where applicable, the rights to information, access, rectification, erasure, restriction or objection to processing, communication of a personal data breach or confidentiality of electronic communications may be restricted based on Art 25 of Regulation 2018/1725 and under certain specific conditions as set out in the applicable Restriction Decision (OJ, L 379, 26 October 2021).

If you have **any queries** concerning the processing of your personal data or wish to exercise any of the rights described above, you may contact the data controller via: hadea-people@ec.europa.eu and HaDEA DPO HADEA-DPO@ec.europa.eu.

You shall have right of recourse at any time to the European Data Protection Supervisor at EDPS@edps.europa.eu.

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