

| Record of processing activities regarding the selection of the confidential counsellors at the European Institute of Innovation and Technology and regarding the informal procedure in line with the EIT’s policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment | | |
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| Nr | Item | Description |
| 1 | Reference number | DPO-26 |
| 2 | Name of the data controller, the data protection officer and processor, if applicable and contact details | <p><u>Selection of confidential counsellors:</u></p> <p>The data controller is the Head of Services and Finance Unit of EIT. Contact e-mail: HR@eit.europa.eu</p> <p>In the framework of joint controllership, the personal data of the candidates is also processed by the responsible Unit of the European Medicines Agency (EMA). The data subjects shall be also provided with the privacy statement of EMA regarding the selection of confidential counsellors.</p> <p><u>Informal procedure:</u></p> <p>The data controller is the Head of Services and Finance Unit of EIT. Contact e-mail: HR@eit.europa.eu</p> <p>The Data Protection Officer of the EIT is Nora TOSICS. Contact e-mail: EIT-DPO@eit.europa.eu</p> |
| 3 | Purposes of the processing operations | <p><u>Selection of confidential counsellors:</u> The purpose of the processing is to select and identify candidates best qualified to assume the role of confidential counsellor and to manage</p> |

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| | | <p>administratively the applications and the selection procedure.</p> <p><u>Informal procedure:</u> The processing of <i>hard data</i> by the parties involved in an informal procedure shall be limited to what is strictly necessary for achieving the following purposes:</p> <ul style="list-style-type: none"> • Identification and efficient management of harassment cases to be solved as soon as possible within the informal procedure; • Monitoring and evaluation of the Policy on psychological and sexual harassment¹ and of the Manual²; • Prevention and identification of recurrent cases in view of undertaking disciplinary actions. <p>The processing of <i>soft data</i> shall be limited to what is strictly necessary for the purposes of dealing properly with a specific case of harassment within the informal procedure and identifying a solution with the agreement of the victim.</p> <p>Following the provision of Article 4 of the Data Protection Regulation of the European institutions, the collected soft and hard data may not be further processed in a way which is incompatible with the abovementioned purposes.</p> |
| 4 | <p>Categories of data subjects</p> | <p><u>Selection of confidential counsellors:</u> The data subjects are the staff members of EIT who applied for the position of the confidential counsellor.</p> <p><u>Informal procedure:</u> The data subjects are:</p> <ul style="list-style-type: none"> – Each person working at the EIT (including the trainees and interim agents), regardless of the grade or contract of employment, in the situation of he/she being identified or defined as a victim of harassment; – Any person who directly or indirectly could be involved in the informal procedure e.g. because he/she is aware of a situation of an alleged harassment (witness); – The alleged harasser in so far as he/she is involved in the informal procedure. |

¹ Decision 16/2017 of the Governing Board of the European Institute of Innovation and Technology on the EIT Policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment

² EIT Decision on the “Manual for informal procedures for cases involving psychological and sexual harassment”

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| 5 | Categories of the personal data processed | <p><u>Selection of confidential counsellors:</u></p> <p>The following types of personal data are processed for the above-mentioned purposes in accordance with the Data Protection Regulation of the European institutions:</p> <ul style="list-style-type: none"> – Name, gender, nationality, languages spoken, agency, contract category/grade, years in service, contract end date, current job title; – Motivation letter; – Experience in a field of confidential counsellor tasks; – Relevant training in a field of confidential counsellor tasks. <p>The EIT does not require the applicants to submit any special category of data as part of the selection procedure. If participants decide to share such information, this is done spontaneously and thereby with unambiguous consent.</p> <p><u>Informal procedure:</u></p> <p>The following types of personal data are processed for the above-mentioned purposes in accordance with the Data Protection Regulation of the European institutions:</p> <ul style="list-style-type: none"> – <i>Objective data</i> (hereafter referred to as “<i>hard data</i>”) necessary for the identification of a case, namely the data contained in the Opening and Closing Forms (Annexes II and III of the Manual for informal procedures for cases involving psychological and sexual harassment) and in the Declaration of Confidentiality (Annex I). – <i>Subjective data</i> (hereinafter referred to as “<i>soft data</i>”) based on the allegations and perceptions of the victim and on the declarations of the alleged harasser or witnesses, including the data contained in the personal notes taken by the confidential counsellor during his/her contacts with the parties involved in the informal procedure, the evidentiary documents and any other documents related to the case, irrespective of their medium, collected within the framework of the procedure. |

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| | | <p>Confidential counsellors shall ensure that the collected data are adequate, relevant and not excessive in relation to the purposes for which they are collected and further processed. The personal notes that are taken by confidential counsellor shall be anonymised as far as possible by using initials or abbreviations instead of full names.</p> <p>The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and of data concerning health or sex-life, is prohibited in accordance with Article 10 of Data Protection Regulation of the European institutions, unless in exceptional circumstances where the processing is relevant and necessary for the purposes of dealing properly with the case within the informal procedure, in particular where these data represent the reason for harassment or a key point within a case.</p> <p>Data collected for statistical or historical purposes must be in anonymous form only.</p> |
| 6a | <p>Categories of data recipients (within the selection of confidential counsellors)</p> | <p>Within the EIT:</p> <p>The personal data of the data subjects is processed by the authorised people: members of the inter-agency selection panel, members of EIT HR Team responsible for the management of the selection, the Head of Services and Finance Unit and the Director of EIT.</p> <p>Access to the personal data may be given to the Internal Auditor of the EIT by request if necessary for the performance of the duties of the Internal Auditor.</p> <p>Within the Commission and other EU institutions/bodies/agencies:</p> <p>Access to the personal data of the candidates is also given to the members of the inter-agency selection panel.</p> <p>Access to the personal data may be given for audit control or investigation purposes to the Court of Auditors, Internal Audit Service of the European Commission, European Anti-Fraud Office (OLAF).</p> <p>Access to the personal data may be granted also to the European Ombudsman, the European Data</p> |

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| | | <p>Protection Supervisor, the General Court and the European Court of Justice upon request and to the extent necessary for handling complaints and litigation.</p> <p>Third parties subject to the GDPR³ and third parties not subject to the GDPR:</p> <p>Exceptionally, if necessary and following a case by case assessment,</p> <ul style="list-style-type: none"> - Information concerning the selection of the confidential counsellors may be disclosed to external lawyers (advocates) subject to the GDPR for specific and limited purposes only. In this case a written contract (service contract) is signed between the EIT and the external lawyer in order to ensure that that Article 29 of the Data Protection Regulation of the EU institutions is respected by the data processor. These written contracts follow the model of the European Commission and include a specific article on data protection. - The same applies to external IT contractors with whom the EIT has a framework contract in order to provide IT services for the EIT. |
| 6b | <p>Categories of data recipients (within the informal procedure)</p> | <p>Within the EIT:</p> <p>The personal data of the data subjects is processed by the EIT authorised staff:</p> <ul style="list-style-type: none"> - Confidential counsellor responsible for handling the informal procedure: the confidential counsellor is bound by confidentiality and shall sign the Declaration of Confidentiality (Annex I of the Manual). - Harassment Prevention Coordinator of EIT Human Resources (EIT HR). - In the case of recurrent cases⁴, personal data of the data subjects is also processed by the Head of Services and Finance Unit and the Director of the EIT. - EIT legal officers cannot be involved in the informal procedure. <p>Within other EU institutions/bodies/agencies:</p> |

³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

⁴ “Recurrent cases” shall mean a situation where at least three different victims have requested the opening of an informal procedure against the same alleged harasser within a timeframe of five years from the opening date of the first informal procedure.

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| | | <p>Access to the personal data may be granted to the European Ombudsman, the European Data Protection Supervisor, the General Court and the European Court of Justice upon request and to the extent necessary for handling complaints and litigation.</p> <p>Access to personal data concerning the informal procedure may granted to the Medical Service of the European Commission (with which the EIT has a Service Level Agreement), if necessary and for specific and limited purposes only.</p> <p>Third parties subject to the GDPR⁵ and third parties not subject to the GDPR:</p> <p>Exceptionally, if necessary and following a case by case assessment,</p> <ul style="list-style-type: none"> - Personal data concerning the informal procedure may be disclosed to the medical⁶ or counselling services for specific and limited purposes only (for instance, in order to resolve the case). However, whenever possible confidential counsellors and EIT HR should prefer a solution whereby the victim is advised to contact directly the abovementioned services. - Personal data concerning the informal procedure may be disclosed to judicial national authorities, only in compliance with Article 9 of the Data Protection Regulation of European Institutions. - Information concerning the informal procedure may be disclosed to external lawyers (advocates) subject to the GDPR for specific and limited purposes only. In this case a written contract (service contract) is signed between the EIT and the external lawyer in order to ensure that that Article 29 of the Data Protection Regulation of the EU institutions is respected by the data processor. These written contracts follow the model of the European Commission and include a specific article on data protection. |
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⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

⁶ Including the medical service provider located in Budapest with which the EIT concluded a Framework Service Contract for the provision of medical services.

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| 7 | Time limit storage | <p><u>Selection of confidential counsellors:</u></p> <p>The retention period for the application files of the <i>selected candidates</i> is <u>5 years</u> following the end of the mandate.</p> <p>In relation to <i>non-selected applicants</i>, the personal data shall be retained for a period of <u>2 years</u> following the end of the <u>selection process</u> for the possible review of the decision taken in the selection procedure.</p> <p><u>Informal procedure:</u></p> <p>Confidential counsellors shall store <i>soft data</i> for no longer than necessary to deal with the case. Therefore, <u>3 months</u> after the closure of the informal procedure, soft data shall be handed back to the party having supplied them or it should be destroyed by the confidential counsellor and the Harassment Prevention Coordinator.</p> <p>After closure of the informal procedure, <i>hard data</i> shall be stored in the file created by EIT HR for a <u>maximum of 5 years</u> as from the date of commencement of the informal procedure. Five years is the period considered necessary for EIT HR to evaluate the EIT Policy on protecting the dignity of the person and preventing psychological and sexual harassment, reply to any legal questions and identify multiple or recurrent cases.</p> <p>Files with hard data may be kept for a further five years if administrative or legal proceedings necessitating their consultation are pending at the date of expiry of the abovementioned retention period of five years.</p> <p>Hard data may be stored by the Harassment Prevention Coordinator for an unlimited period for statistical purposes in an anonymous form only.</p> |
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| 8 | If applicable, transfers of personal data to a third country or to international organization (if yes, the identification of that third country or international organisation and the documentation of suitable safeguards) | No in both processing activities. |
| 9 | General description of the technical and organisational security measures | <p><u>Selection of the confidential counsellors:</u></p> <p><u>Security and technical measures:</u> hardcopy files are kept in locked cupboards. Electronic data is stored on EIT network drive and is only accessible to the authorised EIT staff members.</p> <p><u>Organisational measures:</u> access to personal data regarding selection procedures is restricted to the authorised EIT staff (see above in point 6a).</p> <p><u>Informal procedure:</u></p> <p><u>Security and technical measures:</u></p> <p>Hardcopy files are kept in locked cupboards. Access to personal data in electronic format shall be limited (e.g. only the Harassment Prevention Coordinator has access to the Harassment@eit.europa.eu functional mailbox). Exchange of soft data by electronic means shall be avoided.</p> <p>The hard data that shall be handed to the Harassment Prevention Coordinator in a sealed envelope marked “Private and Confidential”.</p> <p><u>Organisational measures:</u> access to personal data regarding informal procedure is restricted to the authorised EIT staff (see above in point 6b).</p> |
| 10 | For more information, including how to exercise rights to access, rectification, object and data portability (where | For the two privacy statements please consult the Data Protection page on the EIT website at the following link: https://eit.europa.eu/who-we-are/legal-framework/data-protection |

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| | applicable), see the privacy statement: | |
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Signature of the data controller

(Approval is given via a workflow in ARES in place of a handwritten signature)

Annex: Privacy statement