

**Record of processing activity
Part 1**

Name of the data processing:	Procedure for Combating harassment - Request of assistance (Art ^o 24)
Created on	28/04/2020
Last update	
Reference number	074
Year	2020
1. Controller:	European Economic and Social Committee
2.a) Service responsible	E3 STA
2b) contact details	Unit E.3.STA Working Conditions, Rights and Obligations, Pensions Rue Belliard 99, 1040 Brussels, Belgium (sta-obligations@eesc.europa.eu)
3. Joint controller	
4. DPO: contact details	data.protection@eesc.europa.eu
5. Processor(s) (where applicable)	
6. Purpose(s) of the data processing	<p>Procedure for combating psychological and sexual harassment – Request for assistance (Article 24)</p> <p>The purpose of the data processing is to prepare a file so that the Appointing Authority in charge of processing requests for assistance under Article 24 of the Staff Regulations can examine the request in accordance with the provisions of the Staff Regulations in force, determine whether there is sufficient prima facie evidence of the alleged harassment and then decide on appropriate measures.</p>
7. Description of the	

categories of persons

whose data are processed

Officials, temporary staff, contract staff, seconded national experts and trainees.

8. Description of data categories processed

The data of persons connected with the allegations of harassment (either persons who believe they are being subjected to harassment, persons who are accused of harassment or persons who may be able to provide information) are processed.

The following data are therefore collected and processed, though this list is not exhaustive:

- data concerning the identity of the persons connected with the allegations;
- the administrative data of these persons;
- the initial information forwarded, generally containing personal data relating to the person who is the subject of the allegations;
- allegations, statements, communications, information concerning the case in question, including information on the conduct or perception of the facts of the case by persons connected with the allegations.

In exceptional cases and subject to the conditions of Article 10 of Regulation (EU) 2018/1725, the special categories of personal data referred to in that Article, namely data revealing the racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership and concerning the sexual life or sexual orientation of a natural person, may be processed.

9. Time limit for retaining the data

Files that are considered closed with no follow-up at the end of the preliminary assessment will be stored for five years dating from the decision not to open an administrative investigation.

However, in the event of an administrative inquiry and/or disciplinary proceedings being opened following the request for assistance, specific storage periods will apply in accordance with the specific data protection rules applicable in this area.

10. Recipients of the data

Depending on the purposes for which they are collected, all or part of your personal data may be passed between different units and individuals at the EESC:

1. the Appointing Authority in charge of requests for assistance and the persons responsible for assisting the Appointing Authority, one of its assistants and its adviser;
2. any officials who may be instructed by the Appointing Authority in charge of requests for assistance to analyse the evidence and, if necessary, to hear any persons, identified in particular by the alleged victim, who may provide evidence for the file, with a view to enabling the Appointing Authority in charge of requests for assistance to determine whether there is prima facie evidence of harassment;
3. the head of unit of the Working Conditions, Rights and Obligations, Pensions unit (E.3.STA), their assistant, an administrator and the unit's legal assistant;
4. certain members of the legal service (JUR): the head of unit, their

- assistant and an administrator/adviser in administrative matters;
5. the Appointing Authority in charge of administrative inquiries and disciplinary procedures, its assistant and its advisers responsible for following up these administrative files;
 6. the Administrative Documentation and Information Sector (ADI) insofar as the reply to the request must be numbered and stamped;
 7. where necessary, the departments responsible for implementing and following up the Appointing Authority's decisions on requests for assistance.

In accordance with Article 12 of Decision No 200/14A, the attention of the alleged victim is drawn to the fact that the person who is the subject of the harassment allegations will have to be informed that a request for assistance in a situation of harassment has been received, unless the Appointing Authority in charge of dealing with requests for assistance considers, on the basis of the documents contained in the request, that such information could jeopardise an investigation under Article 86 of the Staff Regulations. Should this be the case, the person concerned will not be informed that a request for assistance has been received, pursuant to Articles 1 and 2 of Annex IX to the Staff Regulations. However, the information will be sent subsequently, at the earliest possible moment, depending on the needs of the investigation.

If the Appointing Authority decides that it must inform the person who is the subject of the harassment allegations that the request for assistance has been received, the following distinction will be made:

1. If the alleged victim has not explicitly requested anonymity, the person who is the subject of the harassment allegations will be informed of the identity of the alleged victim and of the information provided.
2. If the alleged victim has requested anonymity, the Appointing Authority will notify them of its decision to inform the person who is the subject of the harassment allegations that the request for assistance has been received. The alleged victim will then be able to decide whether to maintain their request for assistance.
 - If they decide to withdraw the request, the person who is the subject of the allegations will not be informed that the request for assistance has been received.
 - If the request is maintained, the person who is the subject of the allegations will not initially be informed of the identity of the alleged victim and of the information forwarded if the alleged victim has made a duly reasoned request to this effect and provided this does not hinder the analysis of the evidence. However, in the light of the reasons given by the alleged victim, the Appointing Authority could decide that more proportionate measures than granting anonymity could be adopted.

At the latest when the case relating to the request for assistance is closed, the identity of the alleged victim and the information provided must be forwarded to the person who is the subject of the allegations, unless the case is closed with no further action to be taken. In this event, the person who is the subject of the allegations will be informed only of the fact that the file concerning them has been closed, and the identity of the alleged

victim will not be revealed in accordance with the request made. However, the attention of the person who is the subject of the allegations will be drawn to the fact that the alleged victim could lodge a complaint under Article 90(2) of the Staff Regulations if their request was closed with no further action to be taken.

In any event, if the person who is the subject of the allegations has been informed by the Appointing Authority that the request for assistance has been received, the Appointing Authority in charge of requests for assistance informs that person and the alleged victim if the preliminary assessment results in the case being "closed with no further action". The Appointing Authority in charge of requests for assistance also informs the person who is the subject of the allegations and the alleged victim if the case has been transferred to the Appointing Authority in charge of administrative enquiries and disciplinary proceedings with a view to opening an administrative inquiry.

Should it prove necessary, files could be forwarded – in part or in their entirety – to other bodies of the European Union or to other official bodies: the European Data Protection Supervisor, the European Anti-Fraud Office (OLAF), the Court of Justice of the European Union (CJEU), the European Ombudsman and the Court of Brussels.

11. Transfers of personal data to a third country or an international organisation

Not applicable

12. General description of security measures, where possible

In Unit E.3.STA., while a case is being processed the paper file is kept during the working day in a locked cupboard in the office of the unit lawyer responsible for it. It is placed in the unit secretariat's safe at the end of the day or between two processing stages. Only the head of unit, the head of sector dealing with rights and obligations, the legal assistant and the secretary to the head of unit have access codes. The paper file is circulated, and is sent to the persons responsible for following up the file outside the unit in a sealed envelope stamped "confidential".

The electronic version of the file is saved on a shared drive, with access limited to staff directly responsible for handling these requests.

13. Privacy statement

[Harassment](#)

Part 2

Compliance check and risk screening

1.a) Legal basis and reason for processing

- necessary for the performance of a task carried out in the public interest
- (a) or in the exercise of official authority vested in the Union institution or body
- (b) necessary for compliance with a legal obligation to which the controller is subject (see point 1b) below)
- (c) processing is necessary for the performance of a contract to which the

data subject is party or in order to take steps at the request of the data subject prior to entering into a contract

- (d) the data subject has given consent to the processing of his or her personal data for one or more specific purposes
- (e) necessary in order to protect the vital interests of the data subject or of another natural person

[Tick (at least) one of the boxes]

1b) Legal basis

The legal basis for the data processing are:

- Article 5(1)(b) of Regulation (EU) 2018/1725. The data controller is subject to an obligation to process requests for assistance under Article 24 of the Staff Regulations and Decision No 200/14 A on procedures for preventing and dealing with psychological and sexual harassment at work within the Secretariat of the European Economic and Social Committee.
- Article 10(2)(a), (b) and (f) where the request for assistance to be processed concerns sensitive data listed in Article 10(1) of Regulation (EU) 2018/1725.

2. Are the purposes specified, explicit and legitimate?

Yes

3. Where information is also processed for other purposes, are you sure that these are not incompatible with the initial purpose(s)?

Yes

4. Do you really need all the data items you plan to collect?

Yes

5. How do you ensure that the information you process is accurate?

6. How do you rectify inaccurate information?

7. Are they limited according to the maxim "as long as necessary, as short as possible"?

Yes

8. If you need to store certain information for longer, can you split the storage periods?

Yes

9 How do you inform data subjects?

Privacy Statement on the intranet and notification of the persons involved

10. Access and other

rights of persons whose data are processed

You have the right to request access to your personal data.
You also have the right to request rectification or erasure or restriction of the processing of your personal data.

You can address your requests to the head of unit of the Working Conditions, Rights and Obligations, Pensions unit (sta-obligations@eesc.europa.eu). All requests will be dealt with within one month of receipt of the request.

You have the right to lodge a complaint with the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) No 2018/1725 have been infringed as a result of the processing of your personal data by the EESC..

11. Does this process involve any of the following?

- (a) data relating to health, (suspected) criminal offences or other special categories of personal data
- (b) evaluation, automated decision-making or profiling
- (c) monitoring data subjects
- (d) new technologies that may be considered intrusive

Part 3 Linked documentation

1. Links to threshold assessment and DPIA (where applicable)



No hyperlink inserted

2. Where are your information security measures documented?



No hyperlink inserted

3. Links to other documentation



No hyperlink inserted

4. Other relevant documents