

PRIVACY STATEMENT

for Harassment

1. INTRODUCTION

This Privacy Statement describes the measures taken to protect your personal data with regard to the action involving the present data processing operation and what rights you have as a data subject.

EDA protects the fundamental rights and freedoms of natural persons and in particular their right to privacy with respect to the processing of personal data (Article 1.1 of Regulation No 2018/1725).

2. CONTROLLER OF THE PROCESSING OPERATION

EUROPEAN DEFENCE AGENCY
Rue des Drapiers 17-23
B-1050 Brussels
www.eda.europa.eu

3. PURPOSE OF THE PROCESSING

Personal data processing carried out by EDA in the context of the informal and formal procedure to prevent psychological or sexual harassment in accordance with the provisions of EDA Staff Regulations. The purpose of the data processing, the implementation modalities and the role of parties involved in the procedure(s) are described in a policy document available to all staff on EDA Portal (Decision N 18/14 of 16 May 2018), namely to prevent, investigate and take any necessary measures concerning psychological or sexual harassment.

4. DATA PROCESSED

Personal data processed in the context of the anti-harassment procedure may comprise:

- objective ("hard") data collected necessary to properly administer the case;
- subjective ("soft") data collected by the External Prevention Advisor, based on statements and reflecting facts and perceptions of the alleged victim, of any person aware of a situation of harassment and of the alleged harasser (provided the victim provided the Advisor with a prior consent to contacting the latter). As far as relevant and necessary for the specific purpose of the case, data processed may comprise data qualified as sensitive in Article 10 of Regulation 2018/1725 (i.e. data revealing racial or ethnic origin, political opinion, religious or philosophical beliefs, or trade union membership, biometric or genetic data, health or data concerning the data subject's sexual orientation).

The collection of soft data does not follow systematic rules as to the type of data processed and it is not possible to determine a priori the type of data collected. In accordance with Article 4 of Regulation 2018/1725, data collected should anyway be adequate, relevant and not excessive in relation to the case handled. This analysis must be conducted on a case-by-case basis.

5. RECIPIENTS OF THE DATA

The hierarchal superior of the alleged victim, the Head of HR unit, the External Prevention Advisor/Mediator, the Corporate Service Director, the Chief Executive, the Deputy Chief Executive, the Investigation team, the Internal Auditor, the College of Auditors, OLAF, the Court of Justice of the EU, the European Ombudsman and any national court.

6. PROTECTION AND SAFEGUARDING OF THE DATA

Having regard to the state of the art and the cost of their implementation, the controller has implemented appropriate technical and organizational measures to ensure a level of security appropriate to the risks represented by the processing and the nature of the personal data to be protected.

Such measures have been taken in particular to prevent any unauthorized disclosure or access, accidental or unlawful destruction or accidental loss, or alteration and to prevent all others unlawful forms of processing.

7. RIGHT OF ACCESS AND RECTIFICATION OF THE DATA

Data subjects have the right to access their personal data and the right to correct any inaccurate or incomplete personal data, as well as to request the removal of their personal data, which will be implemented within 10 working days after the request has been deemed legitimate. If the data subject has any queries concerning the processing of his/her personal data, s/he may address them to the data controller, by contacting the Head of the HR Unit.

Requests for erasure/blocking are handled within 10 working days from the date a duly substantiated request is made.

8. TIME LIMIT FOR STORING DATA

The External Prevention Advisor and the Investigation Team shall not keep personal data on a case for a period longer than three months following its closure. Personal data should be either destroyed or returned to the data subject who provided them.

The Human Resources Unit holds the historical memory of anti-harassment procedures for maximum five years from the opening of the procedure. Five years is the period considered necessary for the Human Resources Unit to evaluate the harassment prevention policy, to reply to any legal questions and to identify multiple or recurrent cases. Files may be retained for a further five years period in case an administrative or legal action is pending (e.g. with the European Ombudsman or the Court of the European Union).

9. LEGAL BASIS FOR THE PROCESSING OPERATION

- Articles 5(b) and 5(e) of Regulation 2018/1725;
- Article 31 of Council Decision (CFSP) 2015/1835 of 12 October 2015 defining the statute, seat and operational rules of the European Defence Agency.

10. CONTACT DPO

In case you have any questions or queries concerning data protection at the European Defence Agency, you can also contact the Data Protection Officer at dataprotection@eda.europa.eu.

11. RECOURSE TO EDPS

As a data subject you have the right to have recourse at any time to the European Data Protection Supervisor (<http://www.edps.europa.eu>) at edps@edps.europa.eu.

12. ADDITIONAL INFORMATION

More information on Data Protection at the European Defence Agency can be obtained on our public website <https://www.eda.europa.eu/Aboutus/how-we-work/data-protection>.