

DATA PROTECTION STATEMENT

ANTI-HARASSMENT PROCEDURE

Organisational part of the Agency entrusted with the processing of personal data

Head of RSC (information(at)osha.europa.eu)

Purpose

- Personal information is collected and processed for the purpose of conducting the informal procedure under the EU-OSHA Policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment, aimed at finding an amicable solution through informal discussions between the victim and the other party with, if requested, the mediation of a confidential counsellor.
- When an informal procedure is launched, any personal data will be processed solely for the purpose of conducting this procedure. The collection of any data must be adequate, relevant and not excessive in relation with the purposes of the collection.

Legal basis

- Articles 1 and 31 (1) of the EU Charter of Fundamental Rights;
- Article 1d, 12(a), 24, 86, 90 of Staff Regulations and Article 11 and 81 of the Conditions of Employment of Other Servants (CEOS);
- Council Regulation (EU) 2019/126 of the European Parliament and of the Council of 16 January 2019 establishing the European Agency for Safety and Health at Work (EU-OSHA), and repealing Council Regulation (EC) No 2062/94;
- EU-OSHA Decision of 01.06.2017 on the EU-OSHA Policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment.

Type of data processed

"Hard data" (i.e., administrative data) may include:

- Identification data of the victim, alleged harasser (only upon the consent of the victim) and possible witnesses: last name, first name, gender, Unit and function group (incl. hierarchical link);
- Categorization of the problem/conflict/situation;
- Kind of intervention/action foreseen or taken;
- History of transfers.

"Soft data" (declarations and allegations made), which may include sensitive data in the meaning of the Regulation.

- Notes taken by the confidential counsellors;
- Declarations from witnesses;
- Any kind of supporting documentation provided by the victim. Special categories of data such as sensitive data in the meaning of the Regulation (information related to race, sexual orientation, health and political and religious beliefs) may be disclosed by the data subject and therefore processed incidentally.

Lawfulness of processing

The processing is based on Article 5.1 (a),(e) of [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 (hereinafter the Regulation).

Data recipients

- The contact person in the HR Section ("hard data");
- Confidential counsellors;
- Director ("hard data" in the event of recurrent cases);
- Court of Justice of the EU, the European Ombudsman and the EDPS in the cases foreseen in the Regulation; Data Protection Officer where applicable;
- External experts (medical officer, psychologists, emergency services) only in exceptional and emergency cases (serious risk to the health or safety of the victim) preferably with the victim addressing directly the third party;

Data transmission within the agents involved in the informal procedure is restricted to the information necessary for the completion of the respective task. Only adequate, relevant and not excessive information is transmitted, where applicable. The recipients process the personal data only for the purpose for which they were transmitted.

The data subject's rights

"Hard data":

- Data subjects have the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject or, where applicable, the right to object to processing or the right to withdraw consent at any time without affecting the lawfulness of processing based on consent before its withdrawal (Articles 17, 18, 19, 20, 22, 23 and 24 of the Regulation).
- Any requests to exercise one of those rights should be directed per email to the organisational part of the Agency entrusted with the processing operation as indicated in this privacy statement, including in the subject the words "data protection".

- Data subjects' rights can be restricted only in the cases foreseen in Art 25 of the Regulation.
- To exercise these rights, they should contact the HR Section or the confidential counsellors in charge of the case in writing.
- Access will be granted under the following circumstances:
 - All data subjects will be able to access the documents they have transmitted themselves;
 - Victims or alleged harassers may have access to the file opening form for the case relating to them. As far as alleged harassers are concerned, this access will only be granted if they have been informed by the confidential counsellor of the existence of an informal procedure, after the victim has given his/her consent;
 - Victims also have access to the closing form concerning their case;
 - Access to any other document will only be granted if this document does not contain personal data relating to other persons or confidential statements, or if there is no risk that its transmission may impact negatively on one of the parties involved in the case, on the smooth running of the procedures or on future relations between the parties.
- All data subjects have the right to rectify one's hard data.

"Soft data":

- All persons whose personal data are processed in the course of an informal procedure have access to the documents that they have themselves transmitted and can rectify their declarations and allegations anytime. They can also request any new opinion to be added to the file as foreseen in the Regulation.
- The HR Section and the confidential counsellors commit themselves to deal with requests for access within the boundaries of their duty of care, as well as to carry out the necessary verifications of the data and, if needed, rectify them. Upon request of the victim, the documentation shall be destroyed at any time.

Information on the conservation period of data

- The documentation related to the informal procedures (opening and closing form) is stored in the HR Section central archive (password protected) for not more than five years unless there is a judicial or administrative procedure requiring that this documentation is consulted. The extension of the conservation period beyond five years is limited to the duration of the said procedure;
- Once a case is closed and within a maximum of three months after the closure of a case, the confidential counsellors shall destroy all personal notes. Confidential counsellors will not retain any document provided to him/her by the victim. They will be returned to the victim;
- If on expiry of the time limit for the confidential counsellor's involvement, the victim still does not consent to the alleged harasser being informed of the existence of an informal procedure against him/her, any data relating to that person will be erased from the file opening and closing form and no element

allowing the case to be traced back and the person to be identified will be kept by the HR Section in its archives;

- The documentation may be destroyed at any time at the victim's request.
- Anonymous data are collected only for statistical purposes in the anonymous statistical form to be filled in by the confidential counsellors at the end of the informal procedure.

Security measures

The files containing paper documents are kept by the contact person of the HR Section ("hard data") or by confidential counsellors ("soft data") in locked cupboards/drawers.

Request for information

For any further information regarding the handling of their personal data, data subjects can address their request to EU-OSHA Data Protection Officer at: [dpo\(at\)osha.europa.eu](mailto:dpo(at)osha.europa.eu).

Recourse to the EDPS

Data subjects are entitled to make recourse to the European Data Protection Supervisor: <http://www.edps.europa.eu>, should they consider that the processing operations do not comply with the Regulation.

Date when processing starts

Date reported on the informal procedure file opening form.

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