

PRIVACY STATEMENT / RECORD

WHISTLEBLOWING PROCEDURE

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

Andrea BALDAN (information(at)osha.europa.eu)

Purpose

Personal information is collected and processed for the purpose of conducting the whistleblowing procedure, as described in EU-OSHA Guidelines on Whistleblowing, and aimed to report in writing suspicions of serious irregularities in the Agency.

Legal basis

- 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.
- Staff Regulations, Articles 11, 22a, 22b and 22c.
- EU Regulation 2016/679, Article 7, 8 and 9.
- EU-OSHA Guidelines on Whistleblowing of 20.11.2018.

Type of data processed

The data which will be used only for that processing are the relevant documents necessary to manage the whistleblowing procedure:

- Surname and first name
- Assignment
- Office address & Telephone number
- Email address
- The whistleblowing report
- Date and signature

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) 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

Access to the personal data is granted on the basis of the role and responsibilities of the subjects involved (“need to know” principle):

- Staff member in charge of the procedure in the HR Section
- Head of Unit/Director
- Chair of the Governing Board
- Staff member in charge of the procedure in the Legal Service

The data subject’s rights

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 toinformation@osha.europa.eu, mentioning the organisational part of the Agency entrusted with the processing operation as indicated in this privacy statement and the name of the processing operation, 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.

Information on the conservation period of data

Personal information must not be kept for a longer period than the necessary having regard to the purpose of processing. Therefore, different conservation periods should apply depending on the information in the report and how the case is dealt with.

The time for which the files may be kept is determined as follows.

- Personal information that is not relevant to the allegations should not be further processed.
- When an initial assessment is carried out but it is clear that the case should not be referred to OLAF or is not within the scope of the whistleblowing procedure, the report should be deleted as soon as possible (or referred to the right channel if it for example concerns alleged harassment). In any case, personal information should be deleted promptly and usually within two months of completion of the preliminary assessment, since it will be excessive to retain such sensitive information.

- Upon the closing of the initial assessment led by EU-OSHA, the data gathered to build the assessment could be sent to OLAF if it concerns fraud. If a case is sent to OLAF and an investigation is opened, there is no need for EU-OSHA to keep the information for a longer period.
- In cases OLAF decides not to start an investigation, EU-OSHA will keep the corresponding files for up to 2 years.
- Files on the basis of which an administrative inquiry or disciplinary procedure is opened by EU-OSHA, the information are kept in line with the retention periods foreseen for those files, namely for 5 years in case there are no disciplinary consequences and 20 years in case there are disciplinary consequences.

Security measures

Throughout a whistleblowing procedure only authorised people are attributed access rights and only on a "need-to-know" basis.

Any possible security measure is taken to prevent any improper use of or unauthorized access to the electronic file. Procedure-related documents are kept in a secure environment (protected by a password) or on an encrypted data carrier, or locked in 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 of the reporting of the whistleblowing.

Privacy statement last updated: 5/27/2019 1:44:26 PM