

RECORD NO: 23

# INFORMAL PROCEDURE WITHIN THE CONTEXT OF THE ANTI- HARASSMENT POLICY AND SELECTION OF CONFIDENTIAL COUNSELLORS

## Record 23 of processing operation “Informal procedure within the context of the anti-harassment policy and selection of confidential counsellors”

Date of last update	31/07/2013
Name and contact details of controller	ENISA, Corporate Support Services Unit (HR), antiharassment [at] enisa.europa.eu
Name and contact details of DPO	dataprotection [at] enisa.europa.eu
Name and contact details of Joint Controller	<p>The ENISA HR is data controller only as regards to the drawing and monitoring of the implementation of the anti-harassment policy. In addition the joint data controllers are:</p> <ol style="list-style-type: none"> <li>1) The HR confidential counsellor coordinator* (as regards to the coordinator role of the confidential counsellor);</li> <li>2) The confidential counsellors appointed by the Decision of the Executive Director or established through the inter-agency list of confidential counsellors, in particular under the relevant MoU between ENISA and Cedefop (staff may choose the confidential counsellor they wish to consult).</li> </ol> <p>*HR central correspondent as referred in the MB Decision 2018/11 on the ENISA policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment.</p>
Name and contact details of processor	N/A
Purpose of the processing	<ol style="list-style-type: none"> <li>1) In the context of the informal procedure, the purpose of this processing operation is to support prevention and efficient handling of any possible case of psychological or sexual harassment at ENISA's workplace.</li> <li>2) In the context of the selection of confidential counsellors, the purpose of this processing operation is to select confidential counsellors at ENISA within the context of the policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment, in particular in view of the opening of an informal procedure.</li> </ol>
Description of data subjects	ENISA staff, SNEs, interim agents and trainees



<p>Description of data categories</p>	<p>1) Personal data processed in the context of the informal procedure may comprise:</p> <ul style="list-style-type: none"> <li>- Objective ("hard") data collected by means of the opening and closing forms of the procedure, a registry as to monitor and record the recurrent cases, complemented by any documents relevant and necessary to properly administer the case;</li> <li>- Subjective ("soft") data, processed only by the confidential counsellor(s), 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 (if the alleged victim provided the counsellor with a prior consent to contacting the latter).</li> <li>- As far as relevant and necessary for the specific purpose of the case, data processed may comprise data specified in the Article 10(1) of Regulation (EU) No 2018/1725 (i.e. data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs and data concerning health or sex life or sexual orientation).</li> </ul> <p>2) Personal data processed in the context of the selection of confidential counsellors may comprise:</p> <ul style="list-style-type: none"> <li>- Annex I: Application form – the following data are being processed: staff personal number, category/grade, name and surname, department, unit, current function, office number, phone number, status of employment, date of taking up duties at ENISA, number of trainings in the field of anti-harassment (the year, the number of days and whether internal or external). Also experience is requested and in which position, and the dates from when and until when. Lastly, information on mother tongue and other languages is requested. Additional supporting documents may also be submitted. The form is dated and signed by the applicant.</li> <li>- Annex II: Statement of Honour – the following data are being processed: name, surname, personal number and signature. Data is processed in view of the statement of honour that the staff member takes note of the incompatibility criteria.</li> <li>- Europass CV – the following data are being processed: staff personal information, work experience, education and training, personal skills and competencies, language knowledge.</li> <li>- Motivation letter - the following data are being processed: grounds for applying and signature.</li> </ul>
<p>Time limits (for the erasure of data)</p>	<p>1) In the context of the informal procedure the data will be kept :</p> <ul style="list-style-type: none"> <li>- By the confidential counsellor(s) for a period of up to three months following the closure of the informal procedure.</li> <li>- By HR confidential counsellor coordinator (only objective "hard" data) up to a maximum period of five years from the time of opening the informal procedure. The central file will not contain the name of the alleged harasser nor data from which he/she can be identified in case he/she was not informed on the informal procedure. Five years is the period considered necessary for HR 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).</li> </ul> <p>2) In the context of the selection of confidential counsellors, the data will be kept:</p> <ul style="list-style-type: none"> <li>- Up to a maximum period of two years after the end of the mandate of the confidential counsellor.</li> <li>- For those applicants that were not selected as counsellors, their data will be kept up to the period of three months following the end of the selection procedure (so as to allow for adequate time to challenge the data or the decision taken on the basis of the data of the non-selected persons).</li> </ul>
<p>Data recipients</p>	<p>1) In the context of the informal procedure, data is granted to:</p>

	<ul style="list-style-type: none"> <li>- Confidential Counsellors.</li> <li>- The Appointing Authority and HR coordinator solely with regard to the objective ("hard") data and for the sole purpose of identifying multiple or recurrent harassment cases.</li> <li>- The investigation panel or Disciplinary Board in the context of formal follow-up on the case by means of an administrative inquiry or disciplinary procedure, the European Data Protection Supervisor, the European Ombudsman, as well as the Court of the European Union or any competent national judicial authorities in the context of legal action, which possibly justifies a transfer also to the ENISA Legal officer in charge of follow-up on legal action involving ENISA.</li> <li>- Medical Advisor (only objective "hard" data) with the consent of the data subject.</li> </ul> <p>2) In the context of selection of confidential counsellors, data is granted to designated staff in HR, appointed panel responsible for the selection of the confidential counsellors.</p>
Transfers to third countries	No transfers outside EU/EEA is foreseen.
Security measures - General description	<p>In the context of the internal procedure, all written exchanges will be in hard copy in sealed envelopes marked "private and confidential". All notes made during meetings will be kept in a locked cabinet or drawer (both when the notes are held by the confidential counsellors, as well as when all documents have been sent to HR). Transmission of documents between confidential counsellors and HR will be performed by hand in a sealed envelope with the indication 'staff members' and 'confidential'. Transmission of electronic documents will only be performed with secure devices (e.g. USB) which are not accessible through the intranet.</p> <p>Regarding the selection of confidential counsellors, applications are stored on the dedicated mailbox of HR, while originals are stored in paper by HR in safe locker. General security policy and technical/organisational for ENISA's internal IT systems are also applicable.</p>
Privacy statement	Available on ENISA intranet for all ENISA staff, SNEs, interim agents and trainees.

