



Data Protection Notice

Processing of personal data within the framework of the Anti-harassment Policy

REA.D.2 “People and Workplace”

In accordance with the Regulation (EU) 2018/1725 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 data¹ (‘the Regulation’), the European Research Executive Agency (‘the Agency’ or ‘REA’) collects your personal information only to the extent necessary to fulfil a precise purpose related to our tasks.

1. WHY DO WE COLLECT YOUR PERSONAL DATA?

The processing aims at preventing and remedying cases of alleged harassment within the European Research Executive Agency (REA) during the informal procedure.² The informal procedure aims at helping and protecting the alleged victim at an early stage.³

The personal data is collected and processed with the following aims:

- to support and protect the victim;
- to be able to refer cases to the relevant services;
- to provide efficient and proper administration of cases to be solved as soon as possible; to guarantee confidentiality and create conciliation;
- to prevent cases;
- to review request for help and any need for psychological support;
- to identify recurrent cases and provide references for disciplinary actions where applicable;
- to provide data for the formal procedure and to reply to the Ombudsman or legal authorities at the national or European level in the case that the complaint leads to a formal procedure.

¹ 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295/39 of 21.11.2018).

² This processing does not cover the selection of Confidential Counsellors, which are covered by another record, nor the formal procedure per se, which is not handled by the Agency. Another record covers the administrative inquiries. The selection of Confidential Counsellors is necessary in order to implement the anti-harassment policy as defined by Commission Decision C(2006)1624/3, also foreseen by the Staff Regulations and the Conditions of Employment of Other Servants and the EU Charter of Fundamental Rights, and therefore to protect the dignity of the person.

³ Presumed victims may also initiate the formal procedure under Article 24 of the Staff Regulations (Council Regulation (EEC, Euratom, ECSC) No 259/68), which may be processed by IDOC. This processing activity is covered by the Record on administrative investigations and disciplinary proceedings (Ares(2021)4671776).

2. WHO IS RESPONSIBLE FOR THIS PROCESS?

The controller is the European Research Executive Agency (REA), represented by its Director. For organisational reasons, the role of the data controller has been entrusted by the Director to the delegated controller and is exercised by the Head of Unit REA.D.2 “People and Workplace”.

The data controller may be contacted via functional mailbox: REA-HARASSMENT@ec.europa.eu

3. WHAT IS THE LEGAL BASIS TO COLLECT YOUR DATA?

Article 5(1) (a), (b), (d) and (e) of the Regulation:

Art. 5.1 (a): processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body;

This includes also the processing of personal data necessary for the management and functioning of the Agency in line with Recital (22) of the Regulation: In this regard, processing of data is necessary to manage the personnel of the institutions. Staff Regulations on officials of the European Communities and the Conditions of employment of other servants of the European Communities: Articles 1 (d), 12, 12 (a), Article 24 and Articles 11 and 81 of the CEOS. Article 12 (a) of the Staff Regulations provides that "officials shall refrain from any form of psychological or sexual harassment";

Art. 5.1 (b): processing is necessary for compliance with a legal obligation to which the controller is subject: European Commission Implementing Decision 2021/173, establishing the European Research Executive Agency;

Art. 5.1(d): the data subject (alleged victim/harasser) has given consent to the processing of his or her personal data for one or more specific purposes;

Art. 5.1 (e): processing is necessary in order to protect the vital interests of the data subject. If, in exceptional cases, data are to be treated without the explicit consent of the person in his interest, the legal basis will be Art. 5(e): the processing is necessary to protect the vital interest of the data subject.

- EU Charter of Fundamental Rights: Articles 1 and 31(1);
- Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for Executive Agencies to be entrusted with certain tasks in the management of Community programmes;
- European Commission Implementing Decision 2021/173, establishing the European Research Executive Agency and repealing Decision 2013/778/EU;
- Commission Decision C(2021) 952 delegating powers to the European Research Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of Research and Innovation, Research of the Fund for Coal and Steel and Information Provision and Promotion Measures concerning Agricultural Products;

- Staff Regulations on officials of the European Communities and the Conditions of employment of other servants of the European Communities: Articles 1 (d), 12, 12 (a), Article 24 and Articles 11 and 81 of the CEOS. Article 12 (a) of the Staff Regulations provides that "officials shall refrain from any form of psychological or sexual harassment";
- Commission Decision C(2006)1624 on the European Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment;
- Memorandum of Understanding for the setting up of a network of Confidential Counsellors;
- Decision SC(2010)14 of the REA Steering Committee of 19 October 2010 on the application by analogy of the implementing rules of the Staff Regulations and in particular Commission Decision C(2006) 1624/3 of 26 April 2006 on prevention of harassment.

4. WHICH PERSONAL DATA ARE COLLECTED?

- Administrative data of the alleged victim and alleged harasser e.g. name (surname at birth, current surname, forename), professional address (street, postcode, place, country), personal number, phone number (office and mobile), email address, unit/department, office number, date & place of birth, gender, nationality. Witnesses and/or other connected persons may be named by the alleged victim (depending on the case).
- Relevant data for the harassment case collected through the Confidential Counsellors or directly from the alleged victim including his/her working and personal situation and of other implicated persons (witness, harasser). In particular, sensitive data relating the physical or psychological harassment, or other sensitive personal data may be processed (depending on the case).
- The name of the Confidential Counsellor and the administrative unit or sector that are indicated on the opening and closing forms.

5. WHO WILL HAVE ACCESS TO YOUR PERSONAL DATA?

a. WHO WILL HAVE ACCESS TO THE DATA WITHIN THE AGENCY?

The data contained in the harassment files are disclosed to the following recipients on a need-to-know basis:

- Confidential Counsellors;
- Anti-Harassment Coordinator;
- REA Director;
- In case of audits or legal or administrative proceedings, etc., REA's Internal Control, Legal Sector, DPO.

b. WHO WILL HAVE ACCESS TO THE DATA OUTSIDE THE AGENCY?

- Authorised staff with a need-to-know from other services of EU Institutions and bodies (Medical Service, Legal Service, Security Directorate, DG HR).

In addition, data may be disclosed to public authorities, which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law and shall not be regarded as recipient (such as the European Court of Justice,

European Anti-Fraud Office, European Public Prosecutor's Officer, etc.). The processing of those data by those public authorities shall comply with the applicable data protection rules according to the purpose of the processing.

6. HOW LONG DO WE KEEP YOUR PERSONAL DATA?

REA applies the principles and retention periods indicated in the Common-Level Retention List for European Commission Files by analogy: (https://ec.europa.eu/info/sites/info/files/sec-2019-900_en.pdf):

The Anti-Harassment Coordinator shall keep the files (both opening and closing files with the case) for a period of no more than ten years after the outcome of the informal procedure (C.R.L 12.3.2). This period is necessary to evaluate the policy, reply to legal questions and identify possible recurrent cases. If at the date of the expiration of the initial five years, there are ongoing legal or administrative proceedings, which may necessitate the consultation of the files, records shall be kept until the rights for appeal expire. The Confidential Counsellor does not keep any personal data beyond the time limit necessary for him or her to accomplish his/her task. The Confidential Counsellor does not keep data more than three months after having finished his/her tasks and closure of the case (file closing form), except in duly justified cases.

7. WHAT ARE YOUR RIGHTS?

You may have access to your personal data and may exercise your right of information / access / rectification / erasure / restriction / data portability / objection / withdrawal of consent by contacting the data controller at: REA-HARASSMENT@ec.europa.eu

Any request from a data subject to exercise a right will be dealt within one month from receipt of the request. This period may be extended pursuant to Article 14(3) of Regulation (EU) 2018/1725.

Your right to information, access, rectification, erasure, restriction or objection to processing, communication of a personal data breach or due to confidentiality of electronic communications may be restricted only under certain specific conditions as set out in the applicable [Restriction Decision](#) in accordance with Article 25 of Regulation (EU) 2018/1725.

A Data Protection Record relevant to this data processing is available in the [REA public register of records](#) and it is transmitted by the data controller to the data subjects, where applicable.

8. CONTACT INFORMATION

In case you have any questions about the collection/processing of your personal data, you may contact the data controller who is responsible for this processing activity by using the following email address: REA-HARASSMENT@ec.europa.eu

REA Data Protection Officer (DPO): REA-DATA-PROTECTION-OFFICER@ec.europa.eu

In case of conflict, complaints can be addressed to the European Data Protection Supervisor: EDPS@edps.europa.eu.