



## **Data Protection Notice**

### **Processing of personal data for the Selection of Confidential Counsellors for the implementation 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 data<sup>1</sup> (‘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 purpose of the processing is to select and identify candidates best qualified to assume the role of confidential counsellors within REA, to manage administratively the applications and the relevant selection procedure. The selection is organised with a call for expression of interest. The call is addressed to REA statutory staff (seconded officials, contract and temporary agents) having completed their probationary period.

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 to protect the dignity of the person.

#### **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 the functional mailbox: [REA-HARASSMENT@ec.europa.eu](mailto:REA-HARASSMENT@ec.europa.eu)

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

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

(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;

(b) processing is necessary for compliance with a legal obligation to which the controller is subject:

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<sup>1</sup> 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).

- 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 EU 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 for 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 provide that "officials shall refrain from any form of psychological 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.

(c) the data subject (selected confidential counsellors) has given consent to the processing of his or her personal data for the publication of the list with his/her personal data listed under section 4.

#### **4. WHICH PERSONAL DATA ARE COLLECTED?**

- Information provided by candidates: name and surname, personal number, professional address, phone number, email address, grade (AD/AST/CA), curriculum vitae and motivation letter;
- Any relevant evidence of previous activities in the field and other data related to the suitability of a candidate for the position of a Confidential Counsellor, assessment by the selection panel on the suitability and performance of the candidates.
- Information provided in the declaration of honour (solemn declaration) about a candidate's disciplinary situation (including also whether they are subject to an administrative inquiry) during their career within the EU institutions and bodies.
- Information related to training: the persons selected take part in a series of specific and compulsory training and an assessment is made by the trainer after completion of the training modules.
- Identification data of members of Selection Committee: name and surname, function in selection.
- Information provided in the list of Confidential Counsellors which is published in REA Intracomm or of other Executive Agencies: name, surname, photo, languages spoken, email address, telephone number and professional background (as described by the Confidential Counsellor). The Confidential Counsellors provide their consent for the publication of this information.

## **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 selection files are disclosed to the following recipients on a need-to-know basis:

- Members of the Selection Committee;
- REA Director;
- REA HR and support staff;

All REA staff will have access to the list of appointed Confidential Counsellors which is published on the REA Intranet;

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

- An external expert (e.g. coordinator of Confidential Counsellor network in another Executive Agency or HR representative) may be involved in the selection process as part of the Selection Committee.
- All staff with authorised access to MyIntracomm will have access to the list of appointed Confidential Counsellors which is published on the Intranets of the Executive Agencies part of the inter-agency network.

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, OLAF, EPPO, 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?**

The files, both electronics and on paper, concerning the selection of confidential counsellors and according to the Common Commission-level Retention List (CRL) for European Commission Files (SEC(2019)900, Annex 1, point 12.3.4), applied by analogy by the Agency, are retained for 2 years after the last actions in relation to the call for expression of interest.

All other electronic documents used by REA HR for administrative and follow-up purposes relevant to the selection of confidential counsellors procedure, which are not subject to specific retention periods specified by the CRL point indicated above, but that are considered reference documents will be retained for audit purposes, opening of potential administrative enquiries or disciplinary procedures, as well as possible litigation cases for a period of 2 years following the conclusion of the selection procedure.

## **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](mailto: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.

## **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](mailto:REA-HARASSMENT@ec.europa.eu)

REA Data Protection Officer (DPO): [REA-DATA-PROTECTION-OFFICER@ec.europa.eu](mailto: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](mailto:EDPS@edps.europa.eu).