ACER
Agency for the Cooperation of Energy Regulators

Data Protection Tool

Data Protection Notification

dpn01764

1. Controller

Name of creator	Goran Vaskrsic
Supervisor	Silvia Manessi
Department	Administration
Head of department	Olga Borissova
Version of the notification	

2. Processing Operation(s)

2.1 Name

Policy on protecting the dignity of the person and preventing psy...

2.2 Short process description

The prevention of harassment is dealt with under Article 12a of the Staff Regulations according to which "Officials shall refrain from any form of psychological or sexual harassment". The Administrative Board's Decision No. 6/2017 adopting the policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment (hereinafter "the AB Decision") states that this policy applies to each and every person working at ACER regardless of grade or contract of employment.
On the basis of this AB Decision, each and every person working at ACER , regardless of grade or contract of employment, Temporary Staff, Contract Staff, Seconded National Experts, Trainees, Interim staff and Local Staff (not covered by the Staff

2.3 Purpose(s) (why is the personal data collected and processed)

- Improving procedures intended to combat and prevent sexual harassment and psychological harassment
- Guarantee proper administration of cases and confidentiality
- Help, support, protect and guide victims
- Identify recurrent or multiple cases
- Provide data necessary for the formal procedure

2.4 Type of processing

- [ ] Electronic
- [x] Paper

2.4.2 Where paper data is stored

- [x] Safe
- [ ] Basement
- [ ] Other

2.5 Internal compliance check foreseen in

2.6 Is any further processing for historical, statistical or scientific purposes envisaged?

(•) Yes ( ) No

The data is made anonymous? (•) Yes ( ) No

If yes, specify how they are anonymised?

Each case is assigned a specific non identifiable number. For statistical purposes no names are used.

3. Categories of personal data collected

	Retention Period	
[x] Name	5	Year(s)
[ ] contact information		
[x] Identification numbers	5	Year(s)
[ ] Pay/allowance/bank account		
[ ] Recruitment and contracts		
[x] Career	5	Year(s)
[ ] Telephone number & communications		
[ ] Social security/pension		
[ ] Expenses		
[ ] Health/medical expenses		

- [ ] Physical characteristics
- [ ] Private sphere
- [ ] Leave/absences
- [ ] Mission/journey
- [ ] Location data
- [ ] Device used
- [ ] Online identifier
- [ ] Websites visited
- [ ] IP address
- [ ] Other

3.2 Justification for retention period

Data is stored, locked, by the Confidential Counsellor for the duration of the case. After the case has been closed, data is passed to the Coordinator for storage in a secure central file for a maximum period of 5 years (when a person has been placed on the list for recurrent cases, if not the files are destroyed after 3 months).

3.3 Collection of personal data with specific risks to the rights and freedoms of data subjects (subject to prior checking by EDPS)

- [x] Data related to health and to (suspected) offences, criminal convictions or security measures
- [x] Data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct)
- [ ] Data allowing linkages between data processed for different purposes
- [ ] Data collected for the purpose of excluding individuals from a right, benefit or contract
- [ ] Not relevant

Justification

3.4 Special categories of personal data (only to be processed under certain conditions)

- [ ] Data revealing racial or ethnic origin

- [ ] Data revealing political opinions
- [ ] Data revealing religious or philosophical beliefs
- [ ] Data revealing trade-union membership
- [ ] Data concerning sex life
- [ ] Data concerning health
- [x] Not relevant
- [ ] Other

4. Persons whose personal data is processed

- [x] Staff member
- [x] Visitor
- [x] Candidate
- [x] External Person
- [x] Stakeholder
- [x] Contractor
- [ ] Applicant
- [ ] Delegate of Member State
- [ ] Delegate of EU Institution
- [ ] Tenderer
- [ ] Other

5. Information to data subjects

5.1 How are subjects informed

- [ ] Information is provided on ACER website
- [x] Information is provided on Intranet
- [ ] Information is provided on
- [x] Standard data protection notice
- [ ] Individual written notice
- [x] Training(s)
- [ ] Procurement Documents
- [ ] Other

Additional information

5.2 Data subject's rights:

To have access	◉ Yes	○ No	◉ Always	○ Limited
To rectify	◉ Yes	○ No	◉ Always	○ Limited
To block	◉ Yes	○ No	◉ Always	○ Limited
To erase	◉ Yes	○ No	○ Always	◉ Limited
			limited for persons p...	
To object	◉ Yes	○ No	◉ Always	○ Limited

5.3 How can data subjects exercise their rights (describe the procedure you have put in place)

Each person may request access to his/hers case file and correct any inaccurate or incomplete information. They may approach European Data Protection Supervisor to examine whether the data has been processed correctly. They may request for all forms and documents related to their case to be destroyed.

6. Legal Basis of the Processing Operation(s)

☑ Article 5(a) of Regulation 45/2001
("processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or the other legal instruments adopted on the basis thereof [...]")

Legal Instrument:

☐ Article 5(b) of Regulation 45/2001
("processing is necessary for compliance with a legal obligation to which the controller is subject")

☐ Article 5(c) of Regulation 45/2001
("processing is necessary for the performance of a contract to which the data subject is party [...]")

☐ Article 5(d) of Regulation 45/2001
("the data subject has the unambiguously given his or her consent")

☐ Article 5(e) of Regulation 45/2001
("processing is necessary in order to protect the vital interests of the data subject")

Additional information

7. Recipient(s)

Please describe recipients within the Agency

- Coordinator of Confidential Counsellors (informal procedure)
- HR Team Leader (in case of formal procedure)
- Confidential Counsellor (dealing with the informal case)
- the Director (when dealing with recurrent cases)
- Legal Officers (in cases of formal complaints)

8. Processor

8.1 Is part of processing performed by an external processor (contractor)

○ Yes ◉ No

9. Transfer to 3rd Parties

9.1 Is personal data transferred within or between EU Institutions, agencies or bodies?

◉ Yes ○ No

9.1.1 Specify the recipient name, seat, address, directorate and contact details

- Medical Service (if health and life is at harm)
- Also, if appropriate, access will be given to the European Court of Auditors, the European Ombudsman, the European Data Protection Supervisor, the General Court of the European Union, the European Court of Justice and the Civil Service Tribunal;

9.1.2 Specify the data transmitted

all the above mentioned

9.1.3 Specify the purpose of transfer

for the performance of the respective supervisory, advisory or judicial tasks and to safeguard health and life of persons.

9.1.4 Are the transferred data necessary for the legitimate performance of a task covered

◉ Yes ○ No

Additional information

by the competence of the recipient?

9.1.5 Have the data been transferred following a request from the recipient?

○ Yes ◉ No

Additional information

9.1.6 Has the data controller verified the competence of the recipient and made a provisional evaluation of the need for the transfer of data?

◉ Yes ○ No

Additional information

9.1.7 Has the recipient been informed of his obligation in respect of the transfer?

◉ Yes ○ No

Additional information

9.2 Is personal data

○ Yes ◉ No

transferred to recipients subject to Directive 95/46/EC (e.g. private sector companies) ?

9.3 Is personal data transferred to recipient outside EU?

○ Yes ◉ No

11. Inspection Policy

11.1 Notification classification

☑ Public
(data will be disclosed on ACER intranet or website)

☐ Restricted
(data will not be disclosed on ACER intranet or website)

11.2 Grounds for restriction

☐ Article 4.1.(a) of Regulation 1049/2001
(protection of public interest)

☐ Article 4.1.(a) of Regulation 1049/2001
(protection of privacy)

☐ Not Relevant

☐ Other

Additional information

12. Controller Comments

13. Supporting Documents

Policy

DECISION AB-06-2017 on policy on protecting the dignity of th person and....pdf
987.6 KB

Insert Document

Signatures

	Name	Sig.	Date
Creator	Goran Vaskrsic	✓	2017-10-27

I hereby declare that the information provided and statements made in this notification are true and in accordance with EU Regulation 45/2011 to the best of my knowledge and belief

Data Protection Officer

(EDPS case number)

I hereby declare that i have assisted the controller in practice in preparation of this notification and informed the controller in practice, as appropriate, of obligations pursuant to EU Regulation 45/2001

Stakeholder

Insert Stakeholder

Supervisor

Head of Department

Save