

## RECORD OF PERSONAL DATA PROCESSING ACTIVITY according to Article 31 of Regulation (EU) 2018/1725

### ▶ REQUESTS FOR ASSISTANCE UNDER ARTICLE 24 OF THE STAFF REGULATIONS

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#### General information

<b>Introduction</b>
EIOPA, as a European Authority, is committed to protect individuals with regard to the processing of their personal data in accordance with Regulation (EU) No 2018/1725 (further referred as the Regulation) <sup>1</sup> .
<b>Contact Details of Data Controller(s)</b>
Fausto Parente, Executive Director Westhafenplatz 1, 60327 Frankfurt am Main, Germany <a href="mailto:fausto.parente@eiopa.europa.eu">fausto.parente@eiopa.europa.eu</a>
<b>Contact Details of the Data Protection Officer</b>
Eleni Karatza Westhafenplatz 1, 60327 Frankfurt am Main, Germany <a href="mailto:dpo@eiopa.europa.eu">dpo@eiopa.europa.eu</a>
<b>Contact Details of Processor</b>
EIOPA’s Team/Unit/Department responsible for the processing: Human resources Unit

<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.

## Description and Purpose of the Processing

Description of Processing
The purpose of this processing is to establish the facts that would allow EIOPA to assess a request for assistance and, where applicable, establish whether there is prima facie evidence to launch an administrative inquiry.
Purpose (s) of the processing
<input checked="" type="checkbox"/> Staff administration <input type="checkbox"/> Relations with external parties <input type="checkbox"/> Procurement and accounting <input type="checkbox"/> Administration of membership records <input type="checkbox"/> Auditing <input type="checkbox"/> Information administration <input type="checkbox"/> Other (please give details): .....
Lawfulness of Processing
<ul style="list-style-type: none"><li>• Legal Basis justifying the processing:<ul style="list-style-type: none"><li>▪ <i>Article 24 of the Staff Regulations</i></li><li>▪ <i>Articles 11 and 127 of the Conditions of Employment of Others Servants.</i></li><li>▪ <i>EIOPA Management Board Decision EIOPA-MB-17/061 establishing EIOPA's Policy on Protecting the Dignity of the Person and Preventing Psychological Harassment and Sexual Harassment, for requests for assistance opening the formal harassment procedure.</i></li></ul></li></ul> <p>Processing is necessary:</p> <p><input checked="" type="checkbox"/> for the performance of a task carried out in the public interest</p> <p><input type="checkbox"/> for compliance with a legal obligation to which the Controller is subject</p> <p><input type="checkbox"/> for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract</p> <p><input type="checkbox"/> in order to protect the vital interests of the data subject or of another natural person</p> <p>Or</p> <p><input type="checkbox"/> Data subject has given his/her unambiguous, free, specific and informed consent</p>

## Data Subject's Rights

Information on how to exercise data subject's rights
Data subjects may exercise their data privacy rights provided in Articles 17 to 24 of the Regulation (EU) 1725/2018.
Data subjects have the right to: <ul style="list-style-type: none"><li>• access their personal data, receive a copy of them in a structured and machine-readable format, as well as request their rectification or update in case they are not accurate.</li></ul>

- request the erasure of their personal data, as well as object to or obtain the restriction of their processing.

For the protection of the data subjects' privacy and security, every reasonable step shall be taken to ensure that their identity is verified before granting access, or rectification, or deletion.

Should data subjects wish to access/rectify/delete their personal data, or receive a copy of them/have it transmitted to another controller, or object to/restrict their processing, please contact [human.resources@eiopa.europa.eu](mailto:human.resources@eiopa.europa.eu) or [DPO@eiopa.europa.eu](mailto:DPO@eiopa.europa.eu).

Complaint:

Any complaint concerning the processing of the data subjects' personal data can be addressed to EIOPA's Data Protection Officer ([DPO@eiopa.europa.eu](mailto:DPO@eiopa.europa.eu)). Alternatively, data subjects can also have at any time recourse to the European Data Protection Supervisor ([www.edps.europa.eu](http://www.edps.europa.eu)).

Restrictions:

*Without prejudice to the above, rights might be restricted in accordance with EIOPA's decision on the restriction of data subject's rights (EIOPA-MB-19-056). In particular, the right of information of the alleged wrongdoer might be restricted so as not to undermine the preliminary assessment potentially conducted as part of a request for assistance.*

### Categories of Data Subjects & Personal Data

Categories of Data Subjects
<input checked="" type="checkbox"/> EIOPA permanent staff, Temporary or Contract Agents <input checked="" type="checkbox"/> SNEs or trainees <input type="checkbox"/> Visitors to EIOPA (BOS, MB, WG, Seminars, Events, other) If selected, please specify: ..... <input type="checkbox"/> Providers of good or services <input type="checkbox"/> Complainants, correspondents and enquirers <input type="checkbox"/> Relatives and associates of data subjects <input type="checkbox"/> Other (please specify): .....
Categories of personal data

**(a) General personal data:**

The personal data contains:

- Personal details (name, address etc)
- Education & Training details
- Employment details
- Financial details
- Family, lifestyle and social circumstances
- Other (please give details): *Personal data contained in the documents (including the “complementary information form”) and the evidence supporting the request (such as allegations, declarations, e-mails exchanged by the affected individuals, if necessary). Special categories of personal data (such as health data) may be also processed.*

**(b) Special categories of personal data**

The personal data reveals:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic or Biometric data
- Data concerning health, sex life or sexual orientation

*Special categories of personal data (such as health data) may be also processed.*

## Categories of Recipients & Data Transfers

Recipient(s) of the data

- Managers of data subjects
- Designated EIOPA staff members
  - If selected, please specify:
    - *Executive Director and ED office*
    - *Head of Corporate Support Department, on a need-to-know basis*
    - *Line managers of the persons involved, on a need-to-know basis*
    - *Limited number of staff within the HR Unit, on a need-to-know basis*
    - *Limited number of staff within the Legal Unit, on a need-to-know basis*
    - *The Data Protection Officer, if applicable*
- Relatives or others associated with data subjects
- Current, past or prospective employers
- Healthcare practitioners
- Education/training establishments
- Financial organisations
- External contractor

Other EU institutions/agencies/bodies

*Upon request and if relevant for the handling of a case, the data can also be transferred to the European Court of Justice, European Ombudsman, EDPS, OLAF, Internal Audit Service of the European Commission, European Court of Auditors and external legal advisors.*

Other recipients within the EU (e.g. NCAs)

Other (please specify):

*Personal data may also be shared with a member of the IDOC interagency pool of investigators conducting the preliminary assessment or with contracted external investigators, if applicable.*

#### Data transfer(s)

To third countries

If selected, please specify: .....N/A.....

Whether suitable safeguards have been adopted:

Adequacy Decision of the European Commission<sup>2</sup>

Standard Contractual Clauses (SCC)

Binding Corporate Rules (BCR)

Administrative Arrangements between public Authorities (AA)

To international organisations

If selected, please specify the organisation and whether suitable safeguards have been adopted: .....N/A.....

### Automated Decision Making

#### Automated Decision-making, including profiling

A decision is taken in the context of this processing operation solely on the basis of automated means or profiling:

No

Yes

In case of an automated decision-making or profiling, please explain:

.....

### Retention Period & Security Measures

#### Retention period

How long will the data be retained?

*If the request for assistance is rejected by the Executive Director, the personal data contained in the files are kept in the HR archives with limited access rights defined on a strict need-to-know basis, for a period of time*

<sup>2</sup> Third countries for which the European Commission has issued adequacy decisions are the following: [Adequacy decisions \(europa.eu\)](https://european-council.europa.eu/media/en/press-communications/infographic/infographic-adequacy-decisions-2021.pdf)

*that would be necessary in order to address instances of potential repeated misconduct on the part of the alleged wrongdoer.*

*If the decision on the request for assistance leads to the opening of an administrative inquiry, the data processed becomes part of the administrative inquiry file.*

*Members of the IDOC Inter-agency pool of investigators or contracted external investigators involved in the request for assistance shall be asked to delete all the personal data received in the course of their investigation 6 months after they have submitted their report.*

For further processing envisaged beyond the original retention period for historical, statistical or scientific purposes, please specify whether the personal data will be anonymised:

No

Yes

#### Technical & organisational security measures taken

Several technical and organisational measures have been adopted in order to ensure the optimum security of the documents and personal data collected in the context of the procedures described under section 'Description and Purpose of the Processing'.