



EMA/437258/2019

Record of data processing activity regarding confidential counsellors and informal procedure (public)

1.	Last update of this record, version number:	16 December 2019, version 1
2.	Reference number:	A16
3.	Name and contact details of controller:	European Medicines Agency Internally: Head of Administration and Corporate Management Division DignityatWork@ema.europa.eu
4.	Name and contact details of DPO:	dataprotection@ema.europa.eu
5.	Name and contact details of joint controller (where applicable)	N/A
6.	Name and contact details of processor (where applicable)	N/A
7.	Purpose of the processing	The processing of data relates to the management of cases of psychological or sexual harassment in the context of an informal procedure. The aim of informal procedure is to prevent conflict situations and to seek amicable settlements in possible cases of harassment, thus helping the alleged victim and preventing the situation from deteriorating.
8.	Description of categories of persons whose data EMA processes and list of data categories	Potential data subjects are each and every person working at the Agency (including temporary/contract agents, seconded national experts, trainees, interim staff, contractors and others employed under national law). Confidential Counsellors are independent and can be contacted in confidence by any Agency staff member who require advice and support on personal and confidential matters. The appointment of Confidential Counsellors is for a period of two years. Their selection and appointment taking place every two years generate the processing of the following personal

Official address Domenico Scarlattilaan 6 • 1083 HS Amsterdam • The Netherlands

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		<p>data: their nationality, grade, age, languages spoken, and contract expiry date are added to the memo, asking the Executive Director to decide on who to appoint. Once the decision is taken the personal data and the memos are destroyed and no record is kept on who volunteered for the role and was not appointed. Those who are appointed receive an appointment letter filed on the personal file and their appointment is announced internally at the Agency.</p> <p>Data during informal procedures the following categories of data may be collected, retained and further processed within the framework of an informal procedure:</p> <ul style="list-style-type: none"> • Objective (hard) data necessary for the identification of a case, namely the data contained in the Opening and Closing Forms and in the Declaration of Confidentiality (name/grade/position of alleged victim and harasser, name/position of possible victims and the confidential counsellor involved). • Subjective (soft) data based on the allegations and perceptions of the victim and on the declarations of the alleged harasser or witnesses, including data contained in the personal notes taken by the Confidential Counsellor during his/her contacts with the parties involved in the informal procedure, the evidentiary documents and any other document related to the case, irrespective of their medium, collected within the framework of the procedure. At the closure all notes are destroyed.
9.	Time limit for keeping the data	<p>Confidential Counsellors. The appointment letter of Confidential Counsellors is kept on their personal file. (Please see Record 001.)</p> <p>Informal procedures</p> <p>If no informal procedure is opened after a consultation, no personal data will be recorded.</p> <p>After the closure of an informal procedure, the Confidential Counsellor shall transmit the hard data in a sealed envelope marked "Private and Confidential" to EMA Harassment Prevention Coordinator. EMA Harassment Prevention Coordinator shall create a file and attribute a unique reference number to the case.</p> <ul style="list-style-type: none"> • Objective (hard) data relating to the informal procedure files are stored for a maximum of 5 years from the start of the informal procedure and may be held for further 5 years if there is an administrative inquiry. • Subjective (soft) data shall be stored separately by the Confidential Counsellor and destroyed, or handed back to the party having supplied them, immediately after the closure of the informal procedure. <p>Further processing for historical, scientific or statistical purposes is not envisaged.</p>
10.	Recipients of the data	<p>Personal data processed in the frame of the informal procedure may be disclosed with the consent of the alleged victim to other Confidential Counsellors or Harassment Prevention Coordinator within other Union institutions or bodies if this is required for the legitimate performance of tasks within the competence of the recipient.</p>

		Transfer of data from the informal procedure to the formal procedure without the victim having consented to it is not permitted.
11.	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	N/A
12.	General description of security measures, where possible.	Access to files is restricted to involved actors only. Paper copies are stored in locked cabinets. Electronic copies can be accessed only through PC password.
13.	For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the privacy statement:	Details concerning the processing of your personal data are available on the Agency's website at: https://www.ema.europa.eu/en/about-us/legal/privacy-statement , where you may find the EMA General Privacy Statement as well as the privacy statements on specific data processing operations.