

## I. RECORD OF PERSONAL DATA PROCESSING OPERATION (Article 31 of Regulation (EU) No. 2018/1725)

1.	Name of the processing operation	<b>Whistleblowing</b>
2.	Reference number/Issue	ETF-DPR-15/Issue 1
3.	Date	18/12/2018
4.	Business owner	Nadège Perrine Head of Human Resources Unit Nadege.Perrine@etf.europa.eu
5.	Controller	Cesare Onestini Director of the ETF <a href="mailto:Cesare.Onestini@etf.europa.eu">Cesare.Onestini@etf.europa.eu</a>
6.	Joint controller(s)	Not applicable
7.	Processor(s)	Not applicable
8.	Data protection officer	Laurens Rijken <a href="mailto:DataProtectionOfficer@etf.europa.eu">DataProtectionOfficer@etf.europa.eu</a>

9.	Purpose of the processing	Whistleblowing procedures are intended to provide safe channels for anyone who becomes aware and reports potential fraud, corruption, or other serious wrongdoings and irregularities and therefore ensure the protection of the personal information of the whistleblowers, the alleged wrongdoers, the witnesses and the other persons appearing in the relevant report(s). Often the above procedure implies processing of personal data as well as sensitive data.
10.	Legal basis for the processing	ETF Policy on whistleblowing ref. ETF/15/DEC/008
11.	Categories of data subjects	Internal parties are meant to be all ETF staff including temporary workers, trainees and SNEs External parties such as consultants, contractors, researchers etc. may also report suspected fraud, corruption or other serious wrongdoings and irregularities. All above mentioned individuals may play the role of whistleblowers, witnesses, third parties (members of staff or others that are merely quoted) and person(s) against whom allegations have been made.
12.	Categories of personal data	Name, behaviours and any personal data, which can make a subject identified or identifiable. Sensitive information, such as racial or ethnic origin, political opinions, religious or philosophical beliefs, trade- union membership, and data concerning health or sex life shall be processed on a strictly needed basis.
13.	Time limits for keeping of data	Personal information that is not relevant to the allegations are not further processed. When the case is not referred to OLAF or is not within the scope of the whistleblowing procedure the report is deleted as soon as possible and usually within two months of completion of the preliminary assessment. If the report is transferred to OLAF who starts an investigation it is not necessary for the ETF to keep the information for a longer period.

14.	Categories of ETF	Strictly on a need-to-know basis: e.g. ETF investigators (if appointed on
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	recipients of data	ad hoc basis), ETF Ethics and Integrity Correspondent, ETF OLAF Correspondent, ETF Confidential counsellors, ETF head of HR, ETF Director
15.	Categories of external recipients of data	The requirements for transferring data are assessed on a case-by-case basis. In particular, personal information are transferred only when necessary for the legitimate performance of tasks covered by the competence of the recipient (e.g. Court different from Court of Justice)
16.	Transfers of data to third country or international organisation	Not applicable
17.	Technical and organisational security measures	Data are kept in paper filing only if originals documents belong to the file. Otherwise, electronic documents are used. Electronic files are pass-worded and restricted access, on a need-to-know basis, which is granted to staff members in charge of the different procedures (e.g. disciplinary, anti-harassment, fraud). These staff members once a year are subject to a dedicated training session reminding them about the necessary and reinforced secrecy obligations related to their duties.
18.	Information to the data subject	Provided in a specific privacy statement

## II. COMPLIANCE CHECK AND RISK SCREENING OF PERSONAL DATA PROCESSING OPERATION (Article 26 and 39 of Regulation (EU) No. 2018/1725)

Name of the processing operation	<b>Whistleblowing</b>
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### A. Compliance check

19.	<b>Lawfulness</b> (Legal basis and necessity for processing, point 10) <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Necessary for performance of tasks in the public interest attributed by EU or MS legislation</li> <li><input checked="" type="checkbox"/> Necessary for the management and functioning of the organisation</li> <li><input checked="" type="checkbox"/> Necessary for compliance with legal obligation incumbent on controller</li> <li><input type="checkbox"/> Necessary for performance of a contract to which the data subject is party</li> <li><input type="checkbox"/> The data subject has given consent</li> <li><input type="checkbox"/> Necessary in order to protect the vital interests of the data subject or of another natural person</li> </ul>	
20.	<b>Purpose definition</b> (Point 9) <ul style="list-style-type: none"> <li>Do you list all purposes?</li> <li>Are the purposes specified, explicit, legitimate?</li> <li>Where information is also processed for other purposes, are you sure that these are not incompatible with the initial purpose(s)?</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> <li>Yes</li> <li>Not applicable</li> </ul>
21.	<b>Data minimisation</b> (Point 12) <ul style="list-style-type: none"> <li>Do you really need all data items you plan to collect?</li> <li>Are there any you could do without?</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> <li>No</li> </ul>
22.	<b>Accuracy</b> (Point 12) <ul style="list-style-type: none"> <li>How do you ensure that the information you process about people is accurate?</li> <li>How do you rectify inaccurate information?</li> </ul>	<ul style="list-style-type: none"> <li>Information is received and processed by different actors, playing however institutional roles.</li> <li>Information deemed to be inaccurate is promptly rectified unsolicited, or upon request of involved data subject.</li> </ul>
23.	<b>Storage limitation</b> (Point 13) <ul style="list-style-type: none"> <li>Explain why you chose the storage period(s) mentioned</li> <li>Are they limited according to the maximum or minimum "as long as necessary, as short as possible"?</li> </ul>	<ul style="list-style-type: none"> <li>Personal information that is not relevant to the allegations are not further processed. When the case is not referred to OLAF or is not within the scope of the whistleblowing procedure the report is deleted as soon as possible and usually within two months of</li> </ul>

## COMPLIANCE CHECK AND RISK SCREENING - Whistleblowing

	<ul style="list-style-type: none"> <li>In case you only need some information for longer, can you split storage periods?</li> </ul>	<p>completion of the preliminary assessment. If the report is transferred to OLAF who starts an investigation it is not necessary for the ETF to keep the information for a longer period.</p> <ul style="list-style-type: none"> <li>As short as possible</li> <li>Yes, storage periods are also split by separating the different reports from the main case management system/daily system in use. In this way each report can be subject to the necessary and relevant retention.</li> </ul>
24.	<p><b>Transparency</b> (Point 18)</p> <ul style="list-style-type: none"> <li>How do you tell people about your processing?</li> <li>If you do not want to inform people (or only inform them after the fact), consult your DPO</li> </ul>	<ul style="list-style-type: none"> <li>Data subjects are directly provided with a specific privacy statement as soon as practically possible, included by email. A data protection statement on the processing is also published on the ETF web site and informs the persons about the consequences of abusive use (if the whistleblower maliciously makes a false statement) of the whistleblowing procedure.</li> <li>Not applicable</li> </ul>
25.	<p><b>Data subjects rights</b> (Point 18)</p> <ul style="list-style-type: none"> <li>Can people contact you if they want to know what you have about them, want to correct or delete the data, have it blocked or oppose to the processing?</li> <li>Could there be situations where you would want to refuse e.g. granting access? In case so please describe them</li> </ul>	<ul style="list-style-type: none"> <li>Yes. The data protection statement provides all relevant information to data subjects.</li> <li>Deferral of information is decided on a case by case basis when there is a high risk that giving access to data subjects would hamper the procedure or undermine the rights and freedom of the others.</li> </ul>

### B. Risk screening

26.	<p><b>Does the processing involve any of the following?</b></p> <ul style="list-style-type: none"> <li>Data relating to health, (suspected) criminal offences or otherwise considered sensitive <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>Evaluation, automated decision- making or profiling <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>Monitoring data subjects <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>New technologies that may be considered intrusive <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>Exclusion databases <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>Large-scale processing of special categories of personal data (disease surveillance, pharmacovigilance, central databases for law-enforcement cooperation) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>Internet traffic analysis breaking encryption <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>Management of personal files <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>Staff evaluation procedures <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>Staff selection procedures <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>Establishment of rights upon entry into service <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>Access control systems <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>Video surveillance <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> </ul>
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## C. Conclusions

	Actor	Date	Signature
27.	<b>Business owner</b> Nadège Perrine Head of Human Resources Unit  <b>Conclusion</b> Threshold assessment required according to Risk screening		
	<b>Data Protection Officer:</b> Tiziana Ciccarone / Laurens Rijken  <b>Conclusion</b> I confirm that a threshold assessment is required		

### III. THRESHOLD ASSESSMENT OF PERSONAL DATA PROCESSING OPERATION (Article 26 and 39 of Regulation (EU) No. 2018/1725)

Name of the processing operation	<b>Whistleblowing</b>
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#### A. Criteria for high risks identification

28.	Systematic and extensive <b>evaluation</b> of personal aspects or scoring, including profiling and predicting ....	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
29.	Automated- <b>decision making</b> with legal or similar significant effect: processing that aims at taking decisions on data subjects ....	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
30.	Systematic <b>monitoring</b> : processing used to observe, monitor or control data subjects, especially in publicly accessible spaces. This may cover video-surveillance but also other monitoring, e.g. of staff internet use. ....	<input type="checkbox"/> Yes <input type="checkbox"/> No
31.	<b>Sensitive data</b> : data revealing ethnic or racial origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data, biometric data for identification purposes, data concerning health or sex life or sexual orientation, criminal convictions or offences and related security measures or otherwise considered sensitive. ....	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
32.	Data processed on a <b>large scale</b> , whether based on number of people concerned and/or amount of data processed about each of them and/or permanence and/or geographical coverage ....	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
33.	Datasets <b>matched or combined</b> from different data processing operations performed for different purposes and/or by different data controllers in a way that would exceed the reasonable expectations of the data subject. ....	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
34.	Data concerning <b>vulnerable data subjects</b> : situations where an imbalance in the relationship between the position of the data subject and the controller can be identified. ....	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
35.	<b>Innovative</b> use or applying technological or organisational solutions that can involve novel forms of data collection and usage. Indeed, the personal and social consequences of the deployment of a new technology may be unknown ....	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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36.	<b>Preventing</b> data subjects from <b>exercising a right</b> or using a service or a contract. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ....

### B. Conclusion

	Actor	Date	Signature
37.	<b>Business owner</b> Nadège Perrine Head of Human Resources Unit  <b>Conclusion</b> No further action required  Notwithstanding the sensitiveness of information provided, this processing of personal data is in line with the applicable regulatory framework, which ensures a lawful processing.		
	<b>Data Protection Officer:</b> Tiziana Ciccarone / Laurens Rijken  <b>Conclusion</b> I confirm that no further action is required		
	<b>Data Controller</b> Cesare Onestini, Director of the ETF		