

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

1.	Name of the processing operation	<b>Anti-harassment</b>
2.	Reference number/Issue	ETF-DPR-35/Issue 2
3.	Date	21/12/2019
4.	Business owner	Nadège Perrine Head of HR Unit <a href="mailto:Nadège.Perrine@etf.europa.eu">Nadège.Perrine@etf.europa.eu</a>
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	Tiziana Ciccarone / Laurens Rijken <a href="mailto&gt;DataProtectionOfficer@etf.europa.eu">DataProtectionOfficer@etf.europa.eu</a>

9.	Purpose of the processing	Prevent and/or manage psychological and sexual harassment at the ETF
10.	Legal basis for the processing	<ul style="list-style-type: none"> <li>Staff Regulations Articles 1d, 12a, 24, 86, 90</li> <li>Governing Board decision on ETF Policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment (ref. GB/19/DEC/002 of 10 May 2019)</li> <li>Manual of procedures within the framework of the ETF Policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment</li> </ul>
11.	Categories of data subjects	All ETF staff including temporary workers, trainees and SNEs
12.	Categories of personal data	Name of alleged victim and alleged harasser. The processing of personal data during an informal procedure may require the processing of sensitive data (e.g. health or sex life of data subjects).
13.	Time limits for keeping of data	Depending on the formal or informal procedure ongoing, data might be deleted immediately or kept for a maximum of 5 years, unless a judicial administrative procedure is in place and therefore data must be kept for additional 5 years (see below point 24).

14.	Categories of ETF recipients of data	Confidential Counsellors, HR Officer in charge, ETF Medical Advisor if health at risk, Appointing Authority for recurrent cases or in formal procedures, investigators for formal procedures.
15.	Categories of external recipients of data	ETF may invite external investigators
16.	Transfers of data to third country or international organisation	Not applicable

17.	Technical and organisational security measures	<ul style="list-style-type: none"> <li>All written exchanges between the Confidential Counsellors and the HR Officer in charge are in hard copy in a sealed envelope marked "private and confidential" and delivered by hand.</li> <li>Electronic documents are kept in a secure encrypted folder that is not</li> </ul>
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		accessible to third parties. <ul style="list-style-type: none"><li>• All notes made during meetings are kept in a locked safe. These concern the notes held by the Confidential Counsellors, as well as those sent to the HR Officer in charge.</li></ul>
18.	Information to the data subject	<ul style="list-style-type: none"><li>• Provided in privacy statement</li></ul>

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

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### A. Compliance check

19.	<p><b>Lawfulness</b> (Legal basis and necessity for processing, point 10)</p> <ul style="list-style-type: none"> <li><input 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.	<p><b>Purpose definition</b> (Point 9)</p> <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.	<p><b>Data minimisation</b> (Point 12)</p> <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.	<p><b>Accuracy</b> (Point 12)</p> <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 carefully collected by confidential councillors or other actors</li> <li>• Information deemed to be inaccurate are promptly rectified by relevant actor in charge.</li> </ul>
23.	<p><b>Storage limitation</b> (Point 13)</p> <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> <li>• In case you only need some information for</li> </ul>	<p>Within the informal procedure, data collected:</p> <ul style="list-style-type: none"> <li>• in the opening and closing fiche are retained for a maximum of 5 years from the start date of the informal procedure</li> <li>• from the alleged victim no more than three months after the closure of the case; when this term expires, the documents are</li> </ul>

	longer, can you split storage periods?	<p>returned to the alleged victim or forwarded to the HR Officer in charge, with the alleged victim's prior consent</p> <ul style="list-style-type: none"> <li>• Data related to an alleged harasser not informed of the existence of an informal procedure are not retained</li> </ul> <p>Data may be held for further 5 years when a judicial or administrative procedure is still ongoing.</p> <p>Statistical data are held without limit in anonymous format.</p>
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>• Information is given to the data subject via a privacy statement, which is published on the ETF website. On top of that: <ul style="list-style-type: none"> <li>• the alleged victim is informed at the start of an informal procedure of his/her rights as data subject</li> <li>• any other actor, including the alleged harasser, are informed of their rights when they become part of the procedure</li> </ul> </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>• The data subject can request access to his/her data at any time, including rectification or deletion. Those requests will be checked and accepted only if compliant with the regulatory framework.</li> <li>• Not applicable</li> </ul>

## B. Risk screening

26.	<b>Does the processing involve any of the following?</b>	
	<ul style="list-style-type: none"> <li>• Data relating to health, (suspected) criminal offences or otherwise considered sensitive</li> <li>• Evaluation, automated decision-making or profiling</li> <li>• Monitoring data subjects</li> <li>• New technologies that may be considered intrusive</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	<ul style="list-style-type: none"> <li>• Exclusion databases</li> <li>• Large-scale processing of special categories of personal data (disease surveillance, pharmacovigilance, central databases for law-enforcement cooperation)</li> <li>• Internet traffic analysis breaking encryption</li> <li>• E-recruitment tools automatically pre-selecting/excluding candidates without human intervention</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	<ul style="list-style-type: none"> <li>• Management of personal files</li> <li>• Staff evaluation procedures (annual appraisal)</li> <li>• 360° evaluations for helping staff members develop training plans</li> <li>• Staff selection procedures</li> <li>• Establishment of rights upon entry into service</li> <li>• Management of leave, flexitime and telework</li> <li>• Access control systems (non biometric)</li> <li>• Video surveillance (limited scale)</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## C. Conclusions

	<b>Actor</b>	<b>Date</b>	<b>Signature</b>
27.	<b>Business owner</b> Nadège Perrine Head of HR 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>Anti-harassment</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 checked="" 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

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

	<b>Actor</b>	<b>Date</b>	<b>Signature</b>
37.	<b>Business owner</b> Nadège Perrine Head of HR Unit  <b>Conclusion</b> No further action required despitely the matching criteria for high risk identification. See justification below  Notwithstanding the sensitiveness of information provided, this processing of personal data is in line with the ETF Policy and the Manual of procedures, which ensure that security measures are put in place to guarantee confidentiality and preserve the access to personal data only to people in charge.		
	<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		