



# Record of Personal Data Protection of Personal Data Processing Activity, pursuant to Article 31 of Regulation (EU) 2018/1725<sup>1</sup>

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NAME OF PROCESSING OPERATION: The selection of confidential counsellors to act in the context of the informal procedure within the framework of the EBA's policy on protecting the dignity of the person and preventing psychological and sexual harassment

## I. GENERAL INFORMATION

### 1) Contact Details of Controller(s)

Name: European Banking Authority (EBA) represented by the Executive Director  
 Email Address: [ExecutiveOffice@eba.europa.eu](mailto:ExecutiveOffice@eba.europa.eu)

### 2) Contact Details of Processor

*Who is actually conducting the processing?*

The data is processed by: The Harassment Prevention Coordinator, who will act as a secretary to the panel and a selection panel, comprised of the Head of the HR Unit, a representative from the Staff Committee and a staff member nominated by the Staff Committee, are identified as co-controllers of the data processing operation.

Department/Unit: Human Resources

Email Address: Harassment Prevention Coordinator:  
[Harassment.Prevention.Coordinator@eba.europa.eu](mailto:Harassment.Prevention.Coordinator@eba.europa.eu)

The Confidential Counsellors are appointed for a maximum of two years, renewable for a maximum of 2 times. Their names and email address are provided on the intranet.

## II. DESCRIPTION & PURPOSE OF PROCESSING

### 3) Description of Processing

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<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

As part of the informal procedure, a network of confidential counsellors will be set up to deal with, monitor and if possible resolve individual cases of alleged psychological and sexual harassment. The network of counsellors will be co-ordinated by the Harassment Prevention Coordinator from the Human Resources Unit. It is necessary to carry out a selection procedure to select these confidential counsellors as follows:

1. A selection panel is established
2. A call for applications is published
3. Interested candidates apply by submitting an application to the Harassment Prevention Coordinator (hereinafter Coordinator) that contains the following:
  - a. An application form
  - b. A declaration of honour
4. The selection panel evaluate the applications and select the candidates meeting the eligibility criteria, who best match the selection criteria, as stipulated in the call for applications
5. Selected candidates are invited to interview. Following the interviews, the panel draws up a shortlist of candidates to submit to the Executive Director
6. Upon confirmation by the Executive Director the selected candidates are requested to undergo a series of training modules
7. The trainer confirms if the candidates have passed the training
8. The Executive Director then decides on whom to appoint as a confidential counsellor and who is placed on a reserve list

#### 4) Purpose of processing

*Why are the personal data being processed?*

*Specify the rationale and underlying reason for the processing*

- Staff administration
- Relations with external parties
- Procurement, finance and accounting
- Administration of membership records
- Auditing
- Information administration

Other (please give details): The purpose of the processing of the data submitted by a candidate in the selection procedure of the confidential counsellors is to manage a candidate(s) application(s) and to select the best qualified candidates to carry out the role of a confidential counsellor. The EBA will not reuse the personal data for another purpose incompatible with this purpose.

#### 5) Lawfulness of Processing

*Article 5 of Regulation (EU) 2018/1725*

A. Legal Basis justifying the processing:

- The Decision of the EBA's Management Board on the policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment (EBA DC 178 of 04 April 2017).
- The Manual for informal procedures within the framework of the EBA's policy on protecting the dignity of the person and preventing psychological and sexual harassment.

Candidates send their applications containing an application form and a declaration of honour to [Harassment.Prevention.Coordinator@eba.europa.eu](mailto:Harassment.Prevention.Coordinator@eba.europa.eu) on a voluntary basis.

B. Processing is necessary:

- for the performance of a task carried out in the public interest
- for compliance with a legal obligation to which the Controller is subject
- 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
- in order to protect the vital interests of the data subject or of another natural person

Or

- Data subject has given his/her unambiguous, free, specific and informed consent

**III. CATEGORIES OF DATA SUBJECTS & PERSONAL DATA**

**6) Categories of Data Subjects**

*Please tick all that apply and give details where appropriate*

EBA Temporary Agents or Contract Agents

SNEs

Visitors to the EBA

If yes, please specify:

Providers of good or services:

Complainants, correspondents and enquirers

Relatives and associates of data subjects

Other (please specify): Temporary agents and contract agents applying as candidates applying for the confidential counsellor role at the EBA.

Temporary agents, contract agents or SNEs acting as members of the selection panel

## 7) Categories of personal data

*Please tick all that apply and give details where appropriate*

### (a) General personal data:

The personal data contains:

Personal details: See below

Education & Training details: See below

Employment details: See below

Financial details

Family, lifestyle and social circumstances disclosed by the parties of the informal procedure

Other (please give details) :

Candidates are requested to provide the following data on the application form: General personal data: first name and surname, gender, nationality, languages spoken fluently, department/unit at the EBA, contract category/grade, years in service, contract start and end date, current job title, motivation, previous experience in a similar role and training attended in relation to the role of confidential counsellor.

This data is needed to ensure that as diverse a selection as possible of confidential counsellors can be appointed by the Executive Director.

The first name and surname are required for the selection panel members.

A recruitment file for the selection procedure will also be created.

(b) **Special categories of personal data:** During the selection of confidential counsellors, candidates may communicate spontaneously sensitive data. In such a case, it is considered that candidates have given their express consent to the collection of these data and to their further processing.

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

**Important Note**

If you have ticked any of the sensitive data boxes contact the Data Protection Officer before processing the data further.

#### IV. CATEGORIES OF RECIPIENTS & DATA TRANSFERS

##### 8) Recipient(s) of the data

*To whom is the data disclosed?*

- Managers of data subjects
- Designated EBA staff members
- Relatives or others associated with data subjects
- Current, past or prospective employers
- Healthcare practitioners
- Education/training establishments

Financial organisations

External contractor

Other (please specify): Those involved in the selection procedure for the selection of the confidential counsellors will receive the data: The Coordinator, the selection panel and the Executive Director.

Furthermore, if appropriate and on a case-by-case basis, access may be given to( the following:

- specialised members of the EBA's IT Unit involved in the management of the Human Resources processes;
- the EBA's Legal Unit staff members dealing with complaints submitted by candidates under Article 90(2) of the Staff Regulations, and any external legal consultant hired by the EBA for the purpose of handling the complaint;
- EU staff with the statutory right to access the data required by their function, i.e. the European Ombudsman, the Court of Justice of the European Union , the Internal Audit Service, the European Court of Auditors, the European Anti-Fraud Office (OLAF) and the European Data Protection Supervisor.

The information concerning the selection procedure will only be shared as necessary for the implementation of such measures on a need to know basis. The data are not used for any other purposes nor disclosed to any other recipient. The information in question will not be communicated to third parties, except where necessary for the purpose(s) outlined above.

Personal data are not intended to be transferred to third countries and international organizations.

#### **9) Data transfer(s)**

*Is the data transferred outside the EBA?*

Within the EBA or to other EU Institutions/Agencies/Bodies

The data is transferred to the selection panel and the Executive Director. If appropriate, access will be given to the specialised members of the ICT Unit involved in the management of the Human Resources processes and the EBA's Legal Unit in the case of complaints

To other recipients within the EU: If appropriate, access will be given to EU staff with the statutory right to access the data required by their function, i.e. the European Ombudsman, the Civil Service Tribunal, the Internal Audit Service, the European Court of Auditors, OLAF and the European Data Protection Supervisor.

To third countries

If yes, please specify:

a) the country:

b) whether suitable safeguards have been adopted:

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

Standard Contractual Clauses

Binding Corporate Rules

Administrative Arrangements between public Authorities

To international organisations

If yes, please specify the organisation and whether suitable safeguards have been adopted:

**Important Note**

If no safeguards have been put in place, please contact the DPO before processing the data further.

## V. RETENTION PERIOD & SECURITY MEASURES

<sup>2</sup> Third countries for which the European Commission has issued adequacy decisions are the following: [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en)

**10) Retention period (see Note 7)**

A. How long will the data be retained and what is the justification for the retention period?

- The documents related to the selection file for the procedure will be stored for five years
- Successful candidates: the data will be stored for five years following the end of the mandate
- Candidates included on a reserve list but not recruited: the data will be stored for two years to enable the Executive Director to still appoint candidates from the list in the case that there is a need to replace a confidential counsellor
- Non-successful candidates: the data will be stored for two years following the Executive Director's decision on the appointments for the possible review of the decision taken in the selection procedure

In the case of a formal appeal, all data held at the time of the formal appeal will be retained until the procedure is completed.

B. 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

**11) Storage media & security of processing**

A. Please indicate how and where the data processed are stored (e.g. Share Point / cloud):

All personal data related to the selection procedure are stored in specific electronic and physical paper folders accessible only to the authorised recipients. Appropriate levels of access are granted on an individual basis only to the above recipients (see point 8 above). Equally, electronic documents should be given by hand on a device (USB, disk) which is not accessible to third parties.

B. Technical & Organisational Security measures adopted:

Controlled access to ICT-system/controlled access codes



Restricted access to physical location where data is stored

Pseudonymisation and Encryption

Back-up

Audit trails

Confidentiality agreement/clause

Test the effectiveness of security measures adopted

Training of staff

Other (please specify): EBA staff members dealing with personal data in the context of the selection procedures at any stage (members of the selection panel) are obliged to sign a confidentiality declaration that is kept in the folder of the procedure or in his/her e-personal file.

Selection procedure documents are stored in an electronic folder that is restricted only to the members of the selection panel and the Coordinator during the selection and only the Coordinator and the Head of HR thereon after.

#### Consultation of the Data Protection Officer

Email Address: [dpo@eba.europa.eu](mailto:dpo@eba.europa.eu)

Date of consultation: 17/11/2020

Date of approval of processing: 23/11/2020

Privacy statement available at:

<https://intranet.eba.europa.eu/StaffMatters/Pages/Confidential-Counsellors.aspx>

Date of insertion in Register: 23/11/2020