



PRIVACY STATEMENT IN THE CONTEXT OF PROCEDURES RELATED TO EFCA'S ANTI-HARASSMENT POLICY

WHY AND HOW DO WE PROCESS YOUR DATA?	<p>The European Fisheries Control Agency is committed to respect the right to data protection. As the EFCA collects and further processes personal data with the purpose of implementing EFCA's policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment and to appoint confidential counsellors as main actors in the informal procedure as foreseen in the policy, it is subject to Regulation (EU) 2018/1725 ¹.</p>
DATA CONTROLLER	<p>Your personal data will be under the responsibility of: HEAD OF UNIT RESOURCES AND IT EUROPEAN AGENCY FOR FISHERIES CONTROL (EFCA) AVDA. GARCÍA BARBÓN, 4, E-36201 VIGO</p>
LEGAL GROUND/S	<p>This activity is carried out by the Agency based on public interest under:</p> <ul style="list-style-type: none"> • Regulation (EU) 2019/473 , Article 28. • Staff Regulations of Officials (SR) and the Conditions of Employment of Other Servants of the European Communities (CEOS), in particular Article 12(a) of the Staff Regulations and Articles 11 and 81 of the CEOS. • AB Decision 17-II-5 on the policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment. • Articles 1 and 31 (1) of the EU Charter of Fundamental Rights <p>In rare circumstances the processing can be considered necessary in order to protect the vital interests of the data subject</p>
WHAT DATA WE COLLECT?	<ul style="list-style-type: none"> - For the selection of confidential counsellors: EFCA staff (Temporary and Contract agents). <p>Name, gender, grade, job title, nationality, e-mail address, unit, work phone number.</p> <ul style="list-style-type: none"> - For the informal procedure: Each and every person working at EFCA, regardless of grade or contract of employment (this includes the trainees and all those working under a contract under national law). <p>Data identifying the alleged victim and his or her contact, the alleged harasser and possible witnesses: family name, name, date of birth, gender, nationality, private address, e-mail address, unit, phone numbers; Description of the problem/conflict/situation; The kind of intervention/action foreseen/taken; History of potential transfers; Declarations from witnesses, any kind of paper documentation available to support the facts.</p> <p>Due to the nature of this procedure, the processing of data concerning health or sex life cannot be excluded, although it is subject to the application of one of the exceptions set out in Article 10(2) of Regulation 2018/1725, as the data processed is used to deal with cases of harassment (among them sexual and moral harassment).</p>
WHO HAS ACCESS TO YOUR DATA?	<p>Executive Director</p> <p>Staff of Resources and IT Unit processing the relevant files;</p> <p>For the selection of confidential counsellor, also Members of the Selection Panel</p> <p>For the informal procedure, also Confidential Counsellors, judicial national authorities</p>
HOW DO WE PROTECT YOUR PERSONAL INFORMATION?	<p>A number of technical and organisational measures have been put in place by the Agency. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access according to the EFCA Information Security Policy. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.</p>

¹ 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

<p>HOW LONG DO WE KEEP YOUR DATA?</p>	<ul style="list-style-type: none"> - For the selection of confidential counsellors: 1 year after fulfilling their obligation as a Confidential Counsellor. For unsuccessful applicants, documentation will be held for six months after the selection process. - For the informal procedure: 5 years starting at the date of closure of the Informal procedure. The documents are stored for a further 5 years when a judicial or administrative procedure requiring that this documentation be consulted is still ongoing when the first term expires (e.g. request for compensation, and action before the General Court or national judicial authorities). <p>In the case that the alleged harasser has finally not been informed of the existence of an informal procedure, no data relating to that person may be kept in the archives of the HR and Legal Sector or by the confidential counsellor when the case is closed. The data will be deleted within a maximum of three months after a case has been closed.</p> <p>The confidential counsellor shall not keep any personal data beyond the time limit necessary for him/her to accomplish his/her task.</p>
<p>YOUR RIGHTS AS DATA SUBJECT</p>	<p>You have the right to request access to your personal data and may request them to be updated and rectified, blocked or erased. As indicated in the relevant privacy statement, the Controller will facilitate the exercise of these rights when requested orally, by email or by paper. In addition, data subjects are entitled to have recourse at any time to the European Data Protection Supervisor.</p> <p>Certain restrictions may apply to informal and formal procedures as laid down by AB Decision No 20-W-3 of 22 April 2020, published in the Official Journal of the European Union on 3 August 2020 . Inter alia, the alleged harasser(s) are only directly informed of ongoing processing and storage of data if and when the alleged victim has given his/her prior consent.</p> <ul style="list-style-type: none"> - For the selection of confidential counsellors: The candidate shall have the right of access to his personal data and the right to rectify data relating to the contact details contained in his/her application that is inaccurate or incomplete at any time during the selection procedure. However, the candidate can rectify data relating to admissibility criteria only until the closing date of the submission of applications. <p>Selected confidential counsellors may request that personal data of the list of confidential counsellors is suppressed, including their names in case of stepping back from the role of confidential counsellor.</p> <ul style="list-style-type: none"> - For the informal procedure: All persons whose personal data are processed in the course of an informal procedure are entitled to access and rectify that data. To exercise these rights, they should contact the data processor (confidential counsellor or HR Section). <p>The right to rectification can at all times be exercised with regard to identification data, but can be harder to implement with regard to subjective data (allegations and declarations based on a subjective perception). The data subjects can control whether the data reflect the facts and perceptions they wanted to transmit and, in that sense, whether these are accurate and as complete as possible and in any case always ask that their respective opinion is added to the file, as well as any other document to complete the file.</p>
<p>CONTACT INFORMATION AND RECOURSE</p>	<p>For any questions or concerns, if you would like to exercise your rights or submit a complaint, you may address the Data Controller orally, by email or by paper.</p> <p>You may also contact the EFCA Data Protection Officer (DPO): EFCA-DPO@efca.europa.eu</p> <p>If you consider that your rights under Regulation 2018/1725 have been infringed as a result of the processing, you are entitled to have recourse at any time to the European Data Protection Supervisor (EDPS): EDPS@edps.europa.eu</p>