



PRIVACY STATEMENT IN THE CONTEXT OF THE WHISTLEBLOWING PROCEDURE

<p>WHY AND HOW DO WE PROCESS YOUR DATA?</p>	<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 <i>enabling the reporting of fraud, corruption or other serious professional wrongdoing, to establish reporting channels for whistle-blowers, to manage and follow-up reports, and to ensure protection and adequate remedies for whistle-blowers</i>, it is subject to Regulation (EU) 2018/1725 ¹.</p>
<p>DATA CONTROLLER</p>	<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>
<p>LEGAL GROUND/S</p>	<p>This activity is carried out by the Agency based on public interest. The processing of data with regard to whistleblowing procedures is an obligation in accordance with <i>Articles 22a, 22b and 22c of the Staff Regulations, Articles 11 and 81 CEOS, and Decision of the Administrative Board No. 18-I-9(5) of 14 March 2018 on implementing Rules laying down Guidelines on whistleblowing in the European Fisheries Control Agency.</i></p>
<p>WHAT DATA WE COLLECT?</p>	<p>The personal data contained in the report submitted by the whistle-blower and any subsequent document drawn up in response to that initial report. These documents may contain names, contact details and data relating to the conduct, action or inaction of the accused person(s).</p>
<p>WHO HAS ACCESS TO YOUR DATA?</p>	<p>Designated EFCA Staff. It may happen that data are transferred to the competent national authorities such as a national Court where there is an infringement of national law. In such instances, if data are transferred at the request of a national authority, it must establish the 'necessity' for the transfer. If, on the other hand, data are transferred on the sole initiative of EFCA, it will be for the latter to establish the 'necessity' for the transfer in a reasoned decision.</p>
<p>HOW DO WE PROTECT YOUR PERSONAL INFORMATION?</p>	<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>
<p>HOW LONG DO WE KEEP YOUR DATA?</p>	<p>Files which do not lead to the opening of an inquiry ('non-case') will be kept for a period of 2 years from the date on which the EFCA decides to close the file without follow up. Files on the basis of which an administrative enquiry or disciplinary procedure are opened should be kept in line with the retention periods foreseen for those files, namely: a) Files which have led to the opening of a disciplinary procedure will be stored for a period of 20 years starting from the date of the Executive Director's decision concluding the procedure; b) Files where the Executive Director decides that no case can be made against the staff member or where a warning is issued shall be stored for a period of 5 years. Files and all related information may be deleted upon request of the staff member after a period of: a) Eighteen months in the case of a warning; b) Three years in the case of the penalty of a written warning or reprimand; c) Six years in the case of another penalty. The decision to grant the request is taken by the Executive Director. If the Executive Director denies the request, his/ her decision must be duly justified.</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 style="text-align: center;">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 to exert his rights, the controller will facilitate the applicant the exercise of the rights. In addition, the data subject can exercise his/ her rights of access by contacting by email or by paper the Chair of the Disciplinary Board.</p> <p>The staff member can request access and copies of all documents directly related to the allegations made against him/ her, except documents for which disclosure could jeopardize the privacy and right to data protection of third parties, or the legitimate guarantees given to the “whistle-blowers”. When disclosure of the full document is not possible for the reasons explained above, the staff member should have access, whenever it is possible, to at least an abridged version or excerpts of the documents.</p> <p>The staff member has the right to rectification in order to ensure completeness of his/ her disciplinary file. This may be done, inter alia, by allowing him to add his/ her comments.</p> <p>The staff member is allowed to include a recourse or appeal decision in their disciplinary file as well as the personal file, and where appropriate, to ask that the decision be replaced or removed from the file.</p> <p>Any exceptions to the right of access of staff members should be strictly applied in light of necessity and they should be balanced in relation to the right of defense.</p> <p>Certain restrictions are regulated insofar on EFCA internal rules adopted by Decision of the EFCA Administrative Board and published on the Official Journal of the European Union (L 251/1).</p> <p>Particularly, in the case of “whistle-blowers”, informants or witnesses, any restriction to the right of access should not be allowed unless such restriction is made in accordance with Article 25 of Regulation 2018/1725. In any case, the identity of “whistle-blowers” should be kept confidential in as much as this would not contravene national rules regarding judicial procedures.</p> <p>When replying to data subjects' access request, EFCA should bear in mind that personal data does not only relate to information about an individual's private life in a strict sense, but also to information regarding an individual's activities, such as his or her working relations and economic or social behaviour. Information can relate to an individual because of its content, the purpose of its use and the result of its use.</p> <p>When considering access rights, EFCA should also consider the status of the requester and current stage of the investigation.</p>
<p style="text-align: center;">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>