EEAS PRIVACY STATEMENT
for the purpose of the activity of the network of confidential counsellors

1. INTRODUCTION
The protection of your privacy including your personal data is of great importance to the European External Action Service (EEAS), thereby reflecting the provisions of the charter on fundamental rights of the European Union, and in particular its Art. 8. The present privacy statement describes which measures are taken in order to protect your personal data with regard to the action involving the present data processing operation and what rights you have as a data subject. Your personal data are processed in accordance with Regulation (EC) 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, as implemented in the EEAS by decision of the High Representative of the Union for foreign affairs and security policy of 8 December 2011. All data of a personal nature - namely data which can identify you directly or indirectly - which you provide to the EEAS will be handled with the necessary care.

2. PURPOSE OF THE PROCESSING OPERATION
The purpose of the present processing operation is the activity of the network of confidential counsellors.

3. DATA PROCESSED
Administrative files on cases contain information on the informal procedure:
- name, first name, age, gender, nationality;
- statute, grade;
- contact addresses;
- the date on which the person contacted the service;
- case history and messages, emails and all other paper or electronic documents on the case in question sent or received by the confidential counsellors.

Depending on the circumstances of the case, special categories of data pursuant to Article 10 of the Regulation i.e. data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade-union membership or data concerning health or sex life, may be processed.

The processing of these sensitive data pursuant to Article 10(2)(a) of the Regulation is subject to the express consent of the "person in difficulty" concerned.

The network of confidential counsellors does not compile files on persons other than those involved in a case. That does not, however, preclude the possible appearance, in certain situations, of other persons’ data in the file of the case concerned.

4. CONTROLLER OF THE PROCESSING OPERATION
The controller responsible for the processing operation is the EEAS Mediator.

5. RECIPIENTS OF THE DATA
Data and information transmitted to the confidential counsellors and to the lead department (Mediation Service) are dealt with in strict confidentiality. These data could only be transmitted to the competent bodies when a formal procedure is launched and with the prior consent of the person who gave them to the recipients.

Transmission without prior consent can only occur in exceptional cases covered by Article 20(1)(c) of Regulation 45/2001, for example when necessary to ensure the protection of a staff concerned.

In the context of the informal procedure, the lead department and the confidential counsellors may have to share some information with other departments (Medical Service, Security Directorate, heads of MDR units). This transmission will be restricted to the information necessary for the competent entity to carry out its task.

When a formal procedure is launched, the Mediation Service could give some information to the Complaints Department in DG HR and/or the Investigation and Disciplinary Office (IDOC) on a case by case basis. The same occurs when national or EU judicial authorities are involved.

Personal notes of the confidential counsellors are not to be shared or transmitted.

1 The controller is the organisational entity which determines the purpose and means of the processing of personal data.
6. PROVISION, ACCESS AND RECTIFICATION OF THE DATA

You have the right to access your personal data and the right to correct any inaccurate or incomplete personal data, as well as to request the removal of your personal data.

The EEAS will respond within 15 working days, in accordance with the administrative code of good conduct, to any request and if it is considered justified the relevant correction or deletion will be performed within one calendar month.

The Mediation Service will support any request to which its activities are associated.

If you have any queries concerning the processing of your personal data, you may address them to the data controller at the following functional mailbox: EEAS MEDIATOR (EEAS-MEDIATOR@eeas.europa.eu)

7. LEGAL BASIS

**Legal basis**

- Articles 1 and 31(1) of the EU Charter of Fundamental Rights.
- Article 1d, Article 12a, Article 24, Article 86, Article 90 (1) and (2) of Staff Regulation.
- Article 11 of the Conditions of Employment of Other Servants.
- Commission Decision of 26 April 2006, on the European Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment, made applicable to the EEAS by the Decision of the Chief Operating Officer of 29 November 2011 to extend the application of certain Commission rules developing the provisions of the Staff Regulations and of the Conditions of Employment of Other Servants to the EEAS.
- Commission Decision of 26 April 2006, on the European Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment, made applicable to the EEAS by the Decision of the Chief Operating Officer of 29 November 2011 to extend the application of certain Commission rules developing the provisions of the Staff Regulations and of the Conditions of Employment of Other Servants to the EEAS.

**Lawfulness of processing**

According to Article 5(a) of Regulation (EC) No 45/2001, processing must be «necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof or in the legitimate exercise of official authority vested in the Community institution».

The conducting of informal procedures by the confidential counsellors is put in place to fight psychological and sexual harassment. That task is carried out in the public interest of the EEAS.

Article 5 (b), (d) and (e) are also applicable.

The processing operations put in place contribute to their management of resources and functioning of the institution.

Article 27.2 a) and b) is applicable.


8. TIME LIMIT FOR STORING DATA

The confidential counsellor does not keep any personal data beyond the time limit necessary for him/her to accomplish his/her task (i.e. two months in general, except if an extension is granted because of an absence or leave). When this term expires, the documents sent by the alleged victim are returned to him/her or forwarded to the Mediation Service with his/her prior consent.

The cases files are kept by the Mediation Service in a central archive for five years. Files and sheets are stored for a further five years when a judicial or administrative procedure requiring that this documentation be consulted is still on-going when the first term expires (e.g. request for compensation, action before the Civil Service Tribunal or national judicial authorities).

9. CONTACT

In case you have questions related to the protection of your personal data, you can also contact the EEAS’ Data Protection Office at data-protection@eeas.europa.eu.

10. RE COURSE

You have at any time the right of recourse to the European Data Protection Supervisor at edps@edps.europa.eu.