



## **Privacy Statement on personal data protection for the EMCDDA's policy on building and sustaining a working culture based on dignity and respect**

Any data collected or information provided by persons concerned by a relational conflictive situation at the EMCDDA will be processed in accordance with [Regulation \(EU\) 2018/1725](#).

This Regulation concerns the protection of natural persons with regard to the processing of personal data provided to the European Union institutions and bodies and on the free movement of such data. In compliance with Articles 15 and 16 of the Regulation, the EMCDDA provides all the concerned persons with the following information:

The Controller<sup>1</sup> of the data is the Head of the Administration. In order to contact the controller please do it in writing to the following e-mail address: [EMCDDA-HR@emcdda.europa.eu](mailto:EMCDDA-HR@emcdda.europa.eu).

The purpose of the processing is exclusively within the scope of facilitating the dealing with cases of mistreatment (among them sexual and moral harassment). Data is collected to facilitate the resolution of difficult cases that may arise in the framework of the working relations.

### **Who has access to your information and to whom is it disclosed?**

The recipients of the data are:

- a- For the informal procedure: the confidential counsellor chosen by the person concerned or the company doctor if so decided. The appointing authority (the Director), in the capacity of ultimate responsible for human resources matters. Last but not least, the Human Resources designated staff dealing with the case.
- b- For the formal procedure: the Director in the capacity of ultimate responsible for human resources matters and to decide on the next steps to be taken. In case an inquiry is open, the persons in charge of carrying out the inquiry and the staff of the EMCDDA legal service. Last but not least, any of the supervisory instances of the EMCDDA (i.e. European Court of Auditors, Internal Audit Service, and potentially, the Civil Service Tribunal, the ECJ, and the staff of the Ombudsman, etc.).

All recipients of the data are reminded of their obligation not to use the data received for any further/other purpose than the one for which they were transmitted.

### **Transfer of data to third parties**

The transfer of your data, either within or between Community institutions or bodies or to recipients, other than Community institutions and bodies, subject to Directive 95/46/EC, is safeguarded by Articles 4 to 13 of [Regulation \(EU\) 2018/1725](#). The third parties are called their attention to the respect of the principle that data must be processed in strict confidentiality and exclusively for the purpose for which it was submitted.

### **How do we protect and safeguard your information?**

To guarantee security of confidential data, all written exchanges are handled in hard copy in sealed envelopes marked 'Staff matter and confidential' and are delivered by hand. The files

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<sup>1</sup> Article 3(8) of Regulation (EU) 2018/1725 defines the controller as follows: '[...] controller means the Union institution or body or the directorate-general or any other organisational entity which, alone or jointly with others determines the purpose and means of the processing of personal data [...]']



containing paper documents are kept by the confidential counsellors in locked cupboards within her/his office or with the company doctor.

Electronic documents are kept in specific drives only accessible to the persons concerned, Head of HRMS and the person in charge of supporting the case administratively within HR and will in no case be accessible to third parties.

Any data regarding the formal procedure will be treated confidentially within the HRMS and accessible only to the staff dealing with the case and with legal matters at the EMCDDA.

### **How can you verify, modify or delete your information?**

[Regulation \(EU\) 2018/1725](#) safeguards your right to access your data. It also foresees the right to require the Controller to rectify without delay any inaccurate or incomplete personal data. You also have the right to require the Controller to erase data if the processing is unlawful. For changing contact details or erasing all other data, you need to contact the EMCDDA's Human Resources Management Sector in writing

([EMCDDA-HR@emcdda.europa.eu](mailto:EMCDDA-HR@emcdda.europa.eu)). Furthermore, you are free to address the European Data Protection Supervisor at any time.

The right to rectification can only apply to the factual data processed during the concerned case.

Erasure and blockage of data will take place immediately after receiving in writing the request from the concerned person. The mentioned request will lead to the finalisation of the informal or formal procedures. The maximum period of blockage of the data is of five (5) years and only the person concerned is authorised to request to unblock the data. This limit does not apply to anonymous data kept for statistical purposes.

### **What personal information do we collect and for what purpose?**

The categories of personal data dealt with for dealing with a case of mistreatment are the following:

- Data to identify and contact the alleged victim, the alleged mistreater 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 notes taken by the confidential counsellor;
- The kind of intervention/action foreseen/taken;
- History of potential transfers;
- Declarations from witnesses, any kind of paper documentation available to support the facts.

### **Legal basis for the processing of data**

The legal basis for processing data are Articles 1 and 31 (1) of the EU Charter of Fundamental Rights, Article 72 of Regulation (EU) 2018/1725, Article 12a of the Staff Regulations of Officials of the European Union, Article 11 of the Conditions of Employment of other servants of the European Union (CEOS), as laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68, and the Decision of the Management Board of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) on the adoption of the



EMCDDA's policy on building and sustaining a working culture based on dignity and respect as approved by on 16 May 2012.

The data processed is used to deal with cases of mistreatment (among them sexual and moral harassment). Data is collected to facilitate the resolution of difficult cases that may arise in the framework of the working relations.

### **How long do we keep your data?**

Data regarding cases will be kept for five years or to cover the exhaustion of the period in which a complaint upon Article 90 of the Staff Regulations is subject to be introduced and, should this happen, data will be kept up to the moment the potential legal proceedings are finalised (procedures in front of the Civil Administrative Tribunal, the ECJ, etc.).

Data kept for statistical purposes (only total number of cases dealt with per year); in line with Article 4(1)(b) of Regulation (EU) 2018/1725, will be kept anonymously.

### **Recourse**

You have the right to recourse via the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)) if you consider that your rights under [Regulation \(EU\) 2018/1725](#) have been infringed as a result of the processing of your personal data by the EMCDDA.

You may also contact the EMCDDA's DPO in case of any difficulties or for any questions relating to the processing of your personal data at the following e-mail address: [dpo@emcdda.europa.eu](mailto:dpo@emcdda.europa.eu)