



Data Protection Notice on processing of personal data for the Selection of Confidential Counsellors for the implementation of the Anti-harassment Policy

The European Health and Digital Executive Agency (HaDEA) processes your personal data¹ in line with [Regulation \(EU\) 2018/1725 of the European Parliament and of the Council of 23 October 2018](#)² on the protection of personal data by the European Union's institutions, bodies and agencies and on the free movement of such data.

What is the purpose(s) of this processing activity?

The purpose is to select and identify candidates best qualified to assume the role of confidential counsellors within HaDEA, to manage administratively the applications and the relevant selection procedure. The selection is organised with a call for expression of interest. The applications are transmitted by e-mail. The call is addressed to HaDEA staff only.

The selection of Confidential Counsellors is necessary in order to implement the anti-harassment policy as defined by Commission Decision C(2006)1624/3, also foreseen by the Staff Regulations and the Conditions of Employment of Other Servants and the EU Charter of Fundamental Rights, and therefore to protect the dignity of the person.

Who is the data controller?

The data controller of the processing operation is the Head of the Unit C.3 Staff, Communication, Support of the European Health and Digital Executive Agency (HaDEA).

Which personal data is collected?

The following of your personal data are collected:

- Information provided by candidates, like name and surname, personal number, professional address, phone number, email address, grade status, curriculum vitae and motivation letter;
- Relevant evidence of previous activities in the relevant field & other data related to the suitability of a candidate for the position of a Confidential Counsellor, assessment by the selection panel on the suitability and performance of the candidates.

¹ **Personal data** shall mean any information relating to an identified or identifiable natural person ('data subject'). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

² 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 (OJ L295/39 of 21.11.2018).

- The candidates shall provide a declaration on honour (solemn declaration) about their disciplinary situation (including also whether they are subject to an administrative inquiry) during their career within the EU institutions and bodies.
- Identification data of members of Selection Committee.

Who has access to the personal data of data subjects and to whom can they be disclosed?

The data contained in the selection files are disclosed to the following recipients on a need-to-know and need-to-do basis:

- Members of the selection panel;
- Agency Director;
- HR Service and the support staff;
- The list of appointed Confidential Counsellors will be published on the Intranet of the Executive Agencies;
- In case of audits or proceedings, etc., the Agency's Internal Controller, DPO, Legal Service/Team, Staff Committee, etc. may access the relevant data.
- On a need to know basis and in compliance with the relevant current legislation, bodies charged with monitoring or inspection tasks in application of EU law (e.g. EC internal audit, Court of Auditors, European Anti-fraud Office (OLAF), the European Ombudsman, the European Data Protection Supervisor, the European Public Prosecutor). The transmission will be restricted to the information necessary for the competent entity to carry out its task.

No information is kept identifying you for a longer period for historical, statistical or scientific purpose.

Your personal data **will not be transferred** to third countries or international organisations.

The processing of your data will **not include automated decision-making** (such as profiling).

Which is the legal basis for processing your personal data?

The legal basis for the processing activities are:

- Article 5(1)(a) of Regulation EU 2018/1725 because processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body³;
- Article 5(1)(b) of Regulation EU 2018/1725, as processing is necessary for compliance with a legal obligation to which the controller is subject;
 - Memorandum of understanding setting up an inter-executive agencies Network of Confidential Counsellors;

³ Act of Establishment: Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Health and Digital Executive Agency.

- Commission Decision C(2006)1624/3 on the European Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment;
- Staff Regulations on officials of the European Communities and the Conditions of employment of other servants of the European Communities: Articles 1(d), 12, 12 (a) and Article 24 of the Staff Regulations, and Articles 11 and 81 of the CEOS;
- Decision SC01(2021)06 of the HaDEA Steering Committee of 26 February 2021 on the application by analogy of the implementing rules of the Staff Regulations and in particular Commission Decision C(2006) 1624/3 of 26/04/2006 on prevention of harassment).

How long do we keep your personal data?

Your personal data will be retained two years after the last actions in relation to the call for expression of interest of the Confidential Counsellor (in line with the Common Commission-Level Retention list SEC(2019)900/2 (CRL) applied by analogy) and will be deleted at the end of this period.

Application forms, CVs, motivation letters, declarations on honour, and other documents that might have been provided by the selected candidates will be retained for two years after the end of the mandate of the Confidential Counsellor.

What are your rights regarding your personal data?

You have the right to access your personal data and to request your personal data to be rectified, if the data is inaccurate or incomplete; where applicable, you have the right to request restriction or to object to processing, to request a copy or erasure of your personal data held by the data controller. If processing is based on your consent, you have the right to withdraw your consent at any time, without affecting the lawfulness of the processing based on your consent before its withdrawal.

Your request to exercise one of the above rights will be dealt with without undue delay and within **one month**.

If you have **any queries** concerning the processing of your personal data or wish to exercise any of the rights described above, you can contact the Head of Unit C.3 at hadea-people@ec.europa.eu and HaDEA DPO at HADEA-DPO@ec.europa.eu.

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

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