

PRIVACY STATEMENT

for the processing operation whistleblowing procedure

1. INTRODUCTION

This Privacy Statement describes the measures taken 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.

EDA protects the fundamental rights and freedoms of natural persons and in particular their right to privacy with respect to the processing of personal data (Article 1.1 of Regulation No 2018/1725).

2. CONTROLLER OF THE PROCESSING OPERATION

EUROPEAN DEFENCE AGENCY
Rue des Drapiers 17-23
B-1050 Brussels
www.eda.europa.eu

3. PURPOSE OF THE PROCESSING

The purpose of this processing operation is to enable the reporting of illegal activity, fraud, corruption or other serious professional misconduct in EDA, to establish reporting channels for whistleblowers, to manage and follow-up reports, and to set out the rights and duties of the whistleblower. It also aims to ensure that the Agency protects the whistleblower's legitimate interests and privacy as well as the personal information of the person(s) named by the whistleblower, witnesses and other third parties appearing in the whistleblowing report.

4. DATA PROCESSED

Data processed are the following:

- All personal data contained in the report submitted by the whistleblower and any subsequent documents handled in the concrete case;
- These documents may contain names, contact details and other identifiers of the persons involved.

Data received but not needed for examining the allegations will be erased from the report.

5. RECIPIENTS OF THE DATA

The recipients are determined on a case-by-case basis. Personal information is transferred only if necessary for the legitimate performance of tasks covered by the competence of the recipient.

The recipient of the whistleblowing information, namely the superior, shall transmit it to the Legal Advisor for confidential processing.

The identity of the whistleblower and of person(s) named by the whistleblower or other third parties shall be kept confidential.

Recipients may be:

- Head of Unit concerned
- Legal Advisor
- Human Resources Unit
- Investigators
- Members of the Disciplinary Board
- Senior Management
- OLAF in accordance to Article 4.1 of the Decision 16/04 of 22 February 2016. EDA will ensure, through a case-by-case review, that the transfer of personal data is not automatic but will only take place when and as necessary for the legitimate performance of the tasks under the recipient's competence

Involvement of staff in the whistleblowing procedure must be strictly limited on a need-to-know basis and only when necessary for the legitimate performance of tasks covered by the competence of the recipient.

6. PROTECTION AND SAFEGUARDING OF THE DATA

Data storage by means of paper filing in locked cupboards of authorized recipient(s).

Electronic documents are stored in shared drive with access to authorized person(s) only (password protected).

Exchange of emails are strictly limited to authorised recipients on a need to know basis and treated through confidential emails that contain only strictly relevant data.

If sensitive information has to be exchanged with the external partners mentioned among the list of recipients, IT shall provide, upon request, certificates (Public/private keys) externally recognised to encrypt and/or sign that information.

The personal data are used solely for the purpose for which it was provided, namely the whistleblowing procedure and any subsequent procedures directly triggered by it, such as internal investigations and disciplinary procedures.

7. RIGHT OF ACCESS AND RECTIFICATION OF THE DATA

Data subjects have the right to access their personal data and the right to correct any inaccurate or incomplete personal data, as well as to request the removal of their personal data, which will be implemented within 15 working days after the request has been deemed legitimate.

If necessary, as not to jeopardise the conduct of the whistleblowing procedure, the right to access or rectification can be limited. The reasons for the limitation will be explained.

If the data subject has any queries concerning the processing of his/her personal data, s/he may address them to the data controller at the following mailbox: edahradmin@eda.europa.eu

Justified requests for blocking and erasure are treated within 15 working days after the request has been deemed legitimate.

8. TIME LIMIT FOR STORING DATA

For files that are closed without follow-up, data will be retained for a maximum of 2 months after completion of investigation of the facts alleged in the whistleblower's report.

For files that lead to a follow-up (internal investigations, disciplinary procedure) data will be retained for period of time stipulated by these follow-up procedures.

A final report, containing anonymised data only, may be kept for an unlimited time.

EDA may retain anonymous data for statistical purposes. EDA pays particular attention to preserve anonymity of personal data for these purposes, especially to all the measures necessary to avoid indirect identification.

9. LEGAL BASIS FOR THE PROCESSING OPERATION

Article 5(a) of Regulation 2018/1725;

Article 31 of Council Decision (CFSP) 2015/1835 of 12 October 2015 defining the statute, seat and operational rules of the European Defence Agency.

10. CONTACT DPO

In case you have any questions or queries concerning data protection at the European Defence Agency, you can also contact the Data Protection Officer at dataprotection@eda.europa.eu.

11. RECOURSE TO EDPS

As a data subject you have the right to have recourse at any time to the European Data Protection Supervisor (<http://www.edps.europa.eu>) at edps@edps.europa.eu.

12. ADDITIONAL INFORMATION

More information on Data Protection at the European Defence Agency can be obtained on our public website <https://www.eda.europa.eu/Aboutus/how-we-work/data-protection>.