



## **PRIVACY NOTICE ON PERSONAL DATA PROTECTION REGARDING**

The processing of personal data during the informal procedure within the context of the prevention of harassment

The objective of this Notice is to inform you about the collection and processing of your personal data in line with the applicable Data Protection Regulation 2018/1725<sup>1</sup>.

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#### **1. Why does F4E process my personal data? Whose data is processed?**

The data processing concerns the processing of personal data during the informal procedure in the context of the prevention of harassment.

The data processing concerns each and every person working at Fusion for Energy, regardless of grade and contract of employment (this includes the Seconded National Experts, trainees and all those working under a contract under national law, etc).

Any person who considers himself/herself a victim of psychological or sexual harassment may contact a Confidential Counsellor of their choice or the External Psychologist, or the Coordinator for the Prevention of Harassment, who will redirect the alleged victim to the Confidential Counsellors the External Psychologist.

The role of the Confidential Counsellors/External Psychologist is first dedicated to listen to the alleged victim. Secondly, if necessary and with the consent of

the alleged victim, a mediation is launched so as to attempt to reach an informal agreement between the parties. In case of failure of mediation, the alleged victim may engage in a formal procedure

#### **2. What is the justification for the processing?**

Processing of your data is necessary for the **performance of F4E tasks** on the basis of the F4E founding instrument and/or other legal instrument adopted on the basis thereof or for compliance with a specific legal obligation F4E is subject to.

It is based on:

[Council Decision of 27 March 2007 “establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it” - 2007/198/Euratom, as last amended by Council Decision of 10 February 2015 \(2015/224 Euratom\), O.J. L 37, 13.2.2015, p.8, in particular Article 6 thereof;](#)

Statutes annexed to the Council Decision (Euratom) No 198/2007 “establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it”, as last amended on 10 February 2015, in particular Article 10 thereof;

[Council Regulation \(EEC, Euratom, ECSC\) No 259/68 \(OJ L 56, 4.3.1968, p. 1\) laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community as subsequently amended, specifically articles 1d, 12a, of the Staff Regulations and Article 11 of the CEOS.](#)

[Charter of the Fundamental Rights of the European Union \(2000/C 364/01\) Articles 1 and 31.1.](#)

[Decision of the Governing Board of Fusion for Energy on the policy protecting the dignity of the person and preventing psychological harassment and sexual harassment \(Ref. F4E\(14\)-GB30-11.1b Adopted 03/12/2014](#)

[Manual of Procedures for the Implementation of Fusion for Energy Policy protecting the Dignity of the Person and preventing Psychological Harassment and Sexual Harassment \(hereinafter “the Manual of Procedures”\).](#)

In addition, consent given by the alleged victim is required in different steps of the informal procedure as explained in this record: for instance, agreement is necessary to add the name of the alleged harasser to a list for the treatment of the recurrent cases; to allow the confidential counsellor /external psychologist to keep the notes and/or the opening and closing forms. Consent is provided orally by the data subject after being informed on the informal procedure and related processing operations.

### 3. Which data is F4E processing?

#### (a) **General personal data:**

Identification data: name, surname, age, gender, personal number, grade and function and position assigned, and ID number, home address, permanent address, personal telephone number, personal e-mail, professional e-mail. Any other identification data that may be provided by the alleged victim/alleged harasser (witness, family...). Those data are also qualified as “hard” or “objective” data, collected normally directly from the data subjects (usually collected by means of the personal notes of the counsellors, opening and closing form, as well as from any other documents provided by the data subject). The collection of “hard”

data aims at the identification of the person, the management of historical records and most importantly the identification of recurrent and multiple cases.

Special categories of data (not health data) also qualified as ‘soft data’, i.e. allegations and declarations based upon the subjective perceptions of data subjects, usually collected by means of the personal notes of the Confidential Counsellors/External Psychologist. These notes aim at helping the Confidential Counsellors/External Psychologist to create a general overview of the situation and design a satisfactory solution to all the parties. They also refer to other data included in the forms to request the reassignment procedure evaluated by the Human Resources Unit.

#### (b) **Sensitive personal data** (Article 10)

Health data: any psychosocial or medical report that may contain information related to the health of the data subject; medical certificates, tests, evidence or reports provided by the data subject.

As regards soft data, it is not possible to determine a priori the type of data collected. Yet the collection must comply with data protection principles. The data collected by the counsellors/external psychologist must be adequate, relevant and not excessive in relation to the fight against harassment. This analysis must be conducted on a case by case basis by the counsellors/external psychologist in order to ensure that the relevant processing is adequate and relevant and not excessive in relation to the purpose

The notes taken by the Confidential counsellor/External Psychologist may contain statements and communications of persons allegedly subject to harassment, defendants or witnesses. These documents may contain data relating to third parties. The data may also relate to health, sex life or to suspected offences.

The confidential counsellor/external psychologist signs a confidentiality agreement stating that the issues discussed with the alleged harassed and/or the alleged harasser are to remain confidential and are very delicate and sensitive. The document will be kept by the confidential counsellor/external psychologist and a copy will be given to the alleged harassed and to the alleged harasser should the confidential counsellor/external psychologist meet him/her.

### 4. Who has access to my data?

The following people have access to your personal

#### (i) General personal data:

- Confidential Counsellors/External Psychologist (see the [privacy policy](#) of the external service provider and their DP Compliance Declaration as annex to this privacy notice)

- Coordinator for the prevention of harassment and his/her alternate
- Human Resources Head of Unit (only in case of a proposed reassignment)
- Data Protection Officer (only in case he/she is involved by the alleged victim/the alleged harasser)
- Head of Administration Department (only in case of a proposed reassignment or if the alleged victim wanted to involve him/her in any way)
- Appointing Authority, i.e. Director (only in case of a proposed reassignment or if the alleged victim wants to involve him/her in any way)
- Fusion for Energy security officer (only in cases of recourse to urgent measures or measures for the protection of the alleged victim where he/she is at risk or when his/her health or security are compromised to such an extent that he/she is unable to act independently)
- Autonomic and State Police of the Host Member State (only if needed and requested for a criminal investigation linked to harassment)
- IDM Manager, if necessary for support,
- ICT Officer responsible for the dedicated database, if necessary for technical support.
- Also, if appropriate and necessary for monitoring or inspection tasks, access may be given to: DPO and Anti-Fraud & Ethics Officer, Head and /or responsible officer of LSU, IAC, IDOC.

ii) Sensitive personal data (article 10)

- Confidential Counselors/external Psychologist to whom the data have been provided by the data subjects. Those data will however not be kept as explained below.
- Medical service / External Doctors (only in cases of recourse to urgent measures or measures for the protection of the alleged victim where he/she is at risk or when his/her health or security are compromised to such an extent that he/she is unable to act independently)
- If recurrent cases are identified:
- The name, surname of the alleged harasser and alleged victim as well as the eventual documents which would assist in a potential inquiry are transmitted to the Head of Administration Department and/or Head of Human Resources Unit. Alleged victims must be informed of this communication, which cannot take place without their consent.

The data can be provided to the competent authorities in the framework of informal procedures on harassment and with the consent of the person who forwarded them.

The confidential counsellor/external psychologist may be required to process a case under the informal procedure, to communicate certain information to others (medical service, security service, social workers and human resource managers) in the eventuality that the confidential counsellor believes the alleged harassed to be under harm and therefore to be in real danger. The information transmitted will be limited to what the other person needs to know to perform the duties.

#### **5. How long does F4E store my data?**

Documents regarding the informal procedure shall be kept for a period of five years (from the start of the procedure). Confidential counsellors will not keep any personal data or any documents beyond the time needed to informally deal with the case and accomplish their tasks.

Data stored for a longer period (for statistical purpose) are kept in anonymous form only.

Fusion for Energy may continue to store Personal Data for a longer period, as may be necessary for internal auditing and for the establishment, exercise or defense of legal claims until such claims are finally resolved.

#### **6. Does F4E intend to transfer my data to third countries or International Organizations?**

F4E does not intend to transfer data to third countries or International Organizations.

#### **7. What are my rights in relation to my data and how can I exercise them?**

You have the right to access your personal data, to correct any inaccurate or incomplete data, to request restriction or erasure, or to object to the processing, pursuant to Articles 14(3) and 17-23 of Regulation 2018/1725.

Any request to exercise one of those rights should be directed to the Controller ([harassment@f4e.europa.eu](mailto:harassment@f4e.europa.eu)). Where you wish to exercise your rights in the context of one or several specific processing operations or files, please provide their description and reference(s) in your request.

Exceptions based on Article 25 of Regulation 2018/1725 may apply [See Governing Board Decision of 9 December 2019<sup>2</sup>]. In that case, the data subject shall be informed of the principal reasons for applying such restrictions.

#### **8. Contact details of the Data Protection Officer**

You may contact the Data Protection Officer (DPO) of F4E ([DataProtectionOfficer@f4e.europa.eu](mailto:DataProtectionOfficer@f4e.europa.eu)) with regard to issues related to the processing of your personal data under Regulation 2018/1725.

**9. Right of recourse**

2018/1725 have been infringed as a result of the processing of your personal data by F4E.

You have the right of recourse to the European Data Protection Supervisor ([EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu)), if you consider that your rights under Regulation (EU)

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<sup>1</sup> Regulation 2018/1725 of 23 October 2018 “on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data”. O.J 21.11.2018, L295/39.  
This Privacy Notice is in line with Article 14 and 15 of that Regulation (Principle of Transparency).

<sup>2</sup> [O.J., 10.02.2020, L 37/18.](#)