

## **PROTECTION OF YOUR PERSONAL DATA**

**This privacy statement provides information about the processing and the protection of your personal data**

### **1. Introduction**

The European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (hereafter, 'eu-LISA') is committed to protect your personal data and to respect your privacy. eu-LISA collects and further processes personal data pursuant to [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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data

The information in relation to processing operation '*Whistleblowing*' undertaken by the Executive Director's Office is presented below.

### **2. Why and how do we process your personal data?**

The Executive Director's Office collects and uses your personal information to enable eu-LISA staff to report concerns about fraud, corruption or other serious wrongdoing and irregularities in accordance with the eu-LISA decision on eu-LISA revised Guidelines on Whistleblowing (Management Board Decision No 2022-039 of 4.03.2022) while ensuring the necessary protection to whistle-blowers in line with the Guidelines on processing personal information within the whistleblowing procedure issued by the European Data Protection Supervisor on 17.12.2019 ([Guidelines on processing personal information within a whistleblowing procedure](#)).

Your personal data will not be used for an automated decision-making including profiling.

Your personal data processed may be reused for the purpose of procedures before the EU Courts, national courts, or the European Court of Auditors.

### **3. On what legal ground(s) do we process your personal data**

We process your personal data, because:

(a) 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 body;

- Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials of the European Union, and in particular Articles 22a, 22b and 22c and the Conditions of Employment of Other Servants of the European Union (CEOS) and in particular Articles 11 and 81;

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- Decision No 2018-122 of 26.06.2018 of the Management Board on the eu-LISA Guidelines on whistleblowing;
- Decision No 2022-039 of 04.03.2022 of the Management Board on the revised eu-LISA Guidelines on whistleblowing;
- Anti-Fraud Strategy of eu-LISA 2020-2024 adopted by the Management Board on 17 August 2022 (Document 2022-196).

(b) processing is necessary for compliance with a legal obligation to which the controller is subject;

- Articles 22a, 22b and 22c of the Staff Regulations of Officials of the European Union, applicable to Temporary and Contract Agents via the Articles 11 and 81 of the CEOS;
- Article 74 (8) of the Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (hereinafter “Financial Regulation”);
- Article 45 (12) of the Decision of the Management Board No 2019-198 REV1 of 28 August 2019 establishing the Financial Rules of eu-LISA.

Depending on the subject and issue being whistle–blown, special categories of data may appear in an ad-hoc basis in the context of a whistleblowing report and may be processed during the investigation. Personal data relating to any person implicated in a whistleblowing report might be processed, including potentially data on suspected offenses, offenses, criminal convictions and security measures, as well as data on professional conduct and behaviour.

Any information that is not clearly of interest or relevance to the allegations will be immediately deleted and not further processed.

We process special categories of personal data indicated in Section 4, based on art. 10, (2), because:

(b) the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law insofar as it is authorised by Union law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

#### **4. Which personal data do we collect and further process?**

In order to carry out this processing operation Executive Director’s Office collects the following categories of personal data:

- Name, contact details and affiliation
- e-Communication and/or connexion data
- Personal identification numbers
- Image, audio
- Details on education, expertise, profession of the person
- Economic and financial details
- Family, lifestyle and social circumstances
- Goods and services the person provides
- Location data
- Other basic personal information about the categories of persons mentioned above, such as gender, age, name of line manager, hiring date, contractual category and grade, organisational entity.

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- Data which enables the persons involved in whistleblowing process to be identified.
- E-mails or other type of communications exchanged by the affected individuals.
- Statements of an alleged wrong-doer, witnesses and a whistle-blower.
- Information, such as allegations and declarations, provided during the process by a staff member (temporary and contract agent), Seconded National Experts, external service providers, and/or witnesses.
- Depending on the subject and issue being whistle-blown, special categories of data may appear in an ad-hoc basis in the context of a whistleblowing report and may be processed during the investigation. Personal data relating to any person implicated in a whistleblowing report might be processed, including potentially data on suspected offenses, offenses, criminal convictions and security measures, as well as data on professional conduct and behaviour.

Any information that is not clearly of interest or relevance to the allegations will be immediately deleted and not further processed.

The provision of personal data is mandatory to meet a statutory requirement in particular 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 body, as indicated in Section 3 above. If you do not provide your personal data, possible consequences are that the whistleblowing report cannot be treated.

We have also obtained your personal data from other persons involved in whistleblowing process such as allegations and declarations, provided during the process by a staff member (temporary and contract agent), Seconded National Experts, external service providers, and/or witnesses.

### **5. How long do we keep your personal data?**

Executive Director's Office only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, as follows:

- File sent to OLAF: Data retained until a final decision is made by OLAF on opening or closing of an inquiry
- Files which do not lead to the opening of an inquiry: Data destroyed as soon as the OLAF decision is received
- Files received from OLAF on the basis of which an administrative inquiry or disciplinary procedure are opened: Kept in line with the retention periods foreseen for those files (administrative inquiry or disciplinary procedure)

After that period the file may be transferred to the Historical Archives.

When determining the maximum retention periods, the Agency takes also into account possible legal recourses, legal, auditing, archiving and reporting obligations.

### **6. Who has access to your personal data and to whom is it disclosed?**

Access to your personal data is provided to eu-LISA staff responsible for carrying out this processing operation and to authorised staff according to the "need to know" principle, as follows:

- Line managers of the data subject
- Designated eu-LISA staff members
- Recipients include specific persons within eu-LISA (Heads of Unit, the Executive Director) to whom a whistleblowing report is submitted. They may also involve other persons within eu-LISA who are directly or indirectly implicated in a whistleblowing case.

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- External recipients: include primarily OLAF. In some cases, a whistleblowing report might need to be transmitted to other recipients, such as judicial authorities, in the course of a disciplinary or other procedure, [e.g. the Commission's Internal Audit Services (IAS), European Court of Auditors (ECA), European Data Protection Supervisor (EDPS), European Public Prosecutor Office (EPPO)].

Such staff abide by statutory, and when required, additional confidentiality agreements.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

### **7. What are your rights and how can you exercise them?**

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, rectify or erase your personal data and the right to restrict the processing of your personal data. Where applicable, you also have the right to object to the processing or the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a).

Nevertheless, you should be informed that by virtue of Article 25 of Regulation (EU) 2018/1725 and of the Internal Rules laid down under Decision No 2021-096 Rev 1 of the Management Board, one or several of these rights may be restricted for a temporary period of time inter alia on the grounds of

- prevention, investigation, detection and prosecution of criminal offences
- other important objectives of general public interest of the Union or of a Member State, in particular the objectives of the common foreign and security policy of the Union or an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters, public health and social security.
- the internal security of Union institutions and bodies, including of their electronic communications networks
- the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions
- the protection of the data subject or the rights and freedoms of others.

Any such restriction will be limited in time, proportionate and respect the essence of the above-mentioned rights. It will be lifted as soon as the circumstances justifying the restriction are no longer applicable. You will receive a more specific data protection notice when this period has passed.

As a general rule, you will be informed on the principal reasons for a restriction unless this information would cancel the effect of the restriction as such.

You have the right to make a complaint to the EDPS concerning the scope of the restriction.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor.

### **8. Contact information**

#### **- The Data Controller**

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the

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collection and use of your personal data, please feel free to contact the Data Controller, [director@eulisa.europa.eu](mailto:director@eulisa.europa.eu).

- **The Data Protection Officer of eu-LISA**

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

- **The European Data Protection Supervisor (EDPS)**

You have the right to have recourse (i.e. you can lodge a complaint) to 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 Data Controller.