



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 eu-LISA's Executive Director's Unit is presented below.

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

eu-LISA collects and uses your personal information to ensure accordance with the Agency's Management Board Decision No 2018-122 of 26.06.2018 on the eu-LISA Guidelines on whistleblowing and the Agency's Internal procedure of 28.11.2018 on Data protection aspects in the application of the Guidelines on whistleblowing.

The above-mentioned processing operation implies preparation of report on a whistle blown by a receiver of such information, transmission of such information for the investigation internally at eu-LISA or between eu-LISA and OLAF (i.e. European Anti-Fraud Office) or the external authority/ies as indicated in the said Guidelines on whistleblowing.

Statistical reports on the anonymised aggregated number of whistleblowing cases shall be maintained by the Executive Director's office.

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:

- Management Board Decision No 2018-122 of 26.06.2018 on the eu-LISA Guidelines on whistleblowing.

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- The Staff Regulations of Officials of the European Union and the CEOs.
- Anti-Fraud Strategy of eu-LISA.

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

The specific regulations on which the processing is based include:

- Staff Regulations of Officials of the European Union, Articles 22(a), 22(b) and 22(c): Article 22(a) sets out the obligation for staff to report, in writing, suspicions of serious misconduct either within their own institution or to OLAF; article 22(b) provides for the additional possibility to report to the EO, or to the President of the Commission or of the Court of Auditors or of the Council or of the European Parliament, if certain conditions are met; article 22(c) describes the obligation for an institution to put in place a procedure for the handling of complaints made by officials concerning the way in which they were treated after or in consequence of the fulfilment by them of their obligations under Article 22 a or b.
- Financial Regulation - 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, Art. 74 (8); Decision of the Management Board No 2019-198 REV1 of 28 August 2019 establishing the Financial Rules of eu-LISA, Art. 45 (12).

We might process special categories of personal data indicated in Section 4, 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 may collect and process the following categories of personal data:

- Name, contact details and affiliation (e.g. address, first name, surname, e-mail, phone number, citizenship).
- e-Communication and/or connexion data (e.g. phone network, internet traffic, IP address, logs, user ID, user credentials, number of the caller and the time of the call).
- Details on education, expertise, profession of the person (e.g. CV, trainings).
- Economic and financial details (e.g. bank account details, expenses, reimbursements).
- Family, lifestyle and social circumstances.
- Goods and services the person provides.
- Special categories of personal data such as racial or ethnic origin, political opinions, religious or philosophical beliefs, trade- union membership, and data concerning health or sex life can also be processed in the context of the above-mentioned purposes of this processing operation (e.g. if received by the Agency because of their relevance for the process).

Report on a whistle blown require such processing activity to meet statutory and legal requirements above-mentioned. Your personal data can also be obtained in the course of the investigations conducted internally.

5. How long do we keep your personal data?

eu-LISA only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for:

- Files which do not lead to the opening of an inquiry: 6 months after the final decision has been issued to all the parties involved.
- Files sent to OLAF: the information is deleted as files were sent to OLAF.
- Files on the basis of which an administrative enquiry or disciplinary procedure are opened: Kept in line with the retention periods foreseen for those files (administrative enquiry 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. Such staff abide by statutory, and when required, additional confidentiality agreements.

Designated eu-LISA staff members handling the investigation, and others which might be a concerned party thereof will receive your personal data.

Other parties involved in the investigation of a case can also receive your personal data, including “external” recipients, such as OLAF, regarding specific legal obligations, and e.g. judicial authorities in the course of a disciplinary or other procedure.

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 No 2018/1725 and of the Internal Rules laid down under eu-LISA Decision on internal rules concerning restrictions of certain rights of data subjects, one or several of these rights may be restricted for a temporary period of time inter alia on the grounds of the protection of the data subject or the rights and

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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 collection and use of your personal data, please feel free to contact the Data Controller, Executive Director Unit, to: director@eulisa.europa.eu.

- The Data Protection Officer of eu-LISA

You may contact the Data Protection Officer (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) 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.