



IMPORTANT LEGAL NOTICE

**Information memo on the protection of personal data
during the whistleblowing process at the Committee of the Regions**

During a whistleblowing process at the Committee of the Regions, personal data are processed in accordance with Regulation No 45/2001 of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

Purpose and legal basis

The processing of personal data in relation to a whistleblowing process is designed to enable Committee of the Regions (CoR) staff who become aware of facts giving rise to a presumption of the existence of possible illegal activity, including fraud or corruption, theft or breach of the procurement rules, detrimental to the interests of the EU, or of conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of officials and other EU staff, to initiate such a process by drawing up a report and either informing OLAF directly, or informing the line manager of their choice and to respond to subsequent information requests.

In taking this step, whistleblowers may be assisted, initially, if they so wish, by the person responsible for ethics and statutory matters in the CoR's human resources department or by the ethics counsellors.

On the basis of the information provided by the whistleblower and any information gathered from other persons concerned, OLAF or the Committee of the Regions, if OLAF does not take on the case, may open an investigation and then, if necessary, initiate disciplinary proceedings or another such procedure.

The legal basis for processing data as part of a whistleblowing process comprises Articles 22a, 22b and 22c of the Staff Regulations, Decision No 26/2004 of 10 February 2004 of the Committee of the Regions concerning the conditions and procedures for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests, and Decision No 508/2015 of 17 December 2015 of the Committee of the Regions laying down rules on whistleblowing.

Data recipients

The data processed during a whistleblowing process may be disclosed (in whole or in part and insofar as is justified and necessary) to the following persons:

- the head of unit and the director of the whistleblower or persons in an equivalent position, the secretary-general and their assistants;
- the ethics counsellor and the person responsible for ethics and statutory matters in the CoR's human resources departments;
- the departments responsible for data processing: the secretary-general's private office, the Legal Service of the Committee of the Regions, Directorate E Administration/Finance and unit E3 – Working conditions;
- the data protection officer (DPO);
- the person against whom the allegations have been made and their advisers;
- the whistleblower and persons involved as witnesses;
- OLAF staff responsible for whistleblowing procedures.

Category and origin of data

The following personal data in the initial report of the whistleblower and in subsequent reports and documents provided in response to or to supplement the initial report may be processed (this list is indicative and not exhaustive):

- personal details (name, date of birth, address, telephone number, etc.);
- administrative data (grade, department(s), duties and responsibilities, etc.);
- work-related documents (work e-mails, memos, reports, decisions, work-related correspondence, etc.);
- testimony.

Particularly sensitive data, as defined by Article 10 of Regulation No 45/2001, are normally not concerned.

The processing of personal data should be limited to what is absolutely necessary and should be justified by the whistleblowing process. Data that are not needed are to be erased by the data controller. The disclosure of information that cannot be deemed to be communicated in good faith, justified and necessary for a given whistleblowing case, but that may be abusive and defamatory, is not covered by the whistleblowing procedure and may lead to disciplinary proceedings.

Data controller

The data controller is the Committee of the Regions, represented by its secretary-general. He/she may be assisted by the secretary-general's private office, the Legal Service and Directorate E Administration/Finance and its unit E3 – Working conditions.

Right of access, right of rectification, right of blocking and right of erasure

The data subjects whose personal data are included in the reports and documents relating to the

whistleblowing process and who are the subject of suspicions and of allegations made against them, have the right to be informed, as soon as possible, by the data controller, so as to have the opportunity to request the rectification, blocking or erasure of any such data that is inaccurate or incomplete. This must be granted within two weeks of their written request.

Notification of the data subjects may be deferred only if and for as long as substantial risks exist that could jeopardise the ability of OLAF, assisted by the CoR and its staff, or in the case of an internal investigation, the ability of the CoR to carry out an investigation and keep the evidence secure.

At the latest upon closure of the investigation, the persons concerned must be informed of the outcome of the investigation and must be invited to be heard under the procedure established by OLAF, or as the case may be, internally, under the procedure for administrative investigations and disciplinary proceedings of the Committee of the Regions.

The Committee of the Regions may limit or defer the right of access, rectification, blocking and erasure of personal data under the conditions laid down in Article 20 of Regulation No 45/2001, in order not to jeopardise the investigation or undermine the rights and freedom of others. In this case, use of the exception provided for in Article 20 of Regulation No 45/2001 will be documented and the documentation made available to the European Data Protection Supervisor (EDPS).

Time limit for storing the data

The personal data processed as part of a whistleblowing process are stored on a confidential basis for up to two months after the case has been closed by OLAF, and subsequently destroyed, unless they are required to be kept for the purposes of an administrative inquiry and disciplinary proceedings carried out by the Committee of the Regions.

Any personal data that is provided, but cannot be regarded as information forming the basis of a whistleblowing process, an administrative investigation or disciplinary proceedings, will not be retained and must be returned to the person who submitted them or, failing that, destroyed.

Who to contact

For any queries concerning the processing of your personal data in this context, please contact the data controller or the relevant CoR department: the secretary-general's private office, the CoR's Legal Service or Directorate E Administration/Finance and unit E3 – Working Conditions (tom.haenebalcke@cor.europa.eu).

You may also email the Committee of the Regions' data protection officer (data.protection@cor.europa.eu) or the European Data Protection Supervisor.
