



PROTECTION OF YOUR PERSONAL DATA

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

Processing operation: Whistleblowing procedure in Global Health EDCTP3 JU (handling confidential whistleblowing reports)

Record reference: DPO-04-04

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1. Introduction

The protection of your privacy is of high importance to Global Health EDCTP3 JU. Global Health EDCTP3 JU is committed to respecting and protecting your personal data and ensuring your privacy rights.

All data of a personal nature processed within the framework of whistleblowing procedure in Global Health EDCTP3 JU (handling confidential whistleblowing reports), namely data that can identify you directly or indirectly, will be handled fairly, lawfully and with due care.

This processing operation is subject to Regulation (EU) 2018/1725 of the European Parliament and of the Council 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. The information in this communication is given pursuant to Articles 14, 15 and 16 of Regulation (EU) 2018/1725.

This Privacy statement provides detailed information on all types of data that can be processed within the framework of whistleblowing procedure in Global Health EDCTP3 JU (handling confidential whistleblowing reports).

2. Controller/ Joint controllers/Processors

The relevant processing operation is under the responsibility of the Executive Director of the Global Health EDCTP3 JU, acting as the Data Controller. Your personal data are processed on the basis of applicable data protection legislation by Global Health EDCTP3 JU, located Avenue de la Toison d'Or, 1060 Brussels, Belgium. The Global Health EDCTP3 JU can be contacted by post (postal address TO-56, B-1049, Brussels, Belgium) or by email to Info@global-health-edctp3.europa.eu

Global Health EDCTP3 JU has appointed a Data Protection Officer (DPO). The task of the DPO is to ensure, in an independent manner, that Global Health EDCTP3 JU complies with the data protection law and protects individuals' rights and freedoms by protecting effectively their personal data. The DPO of Global Health EDCTP3 JU can be contacted by post (postal address TO-56, B-1049, Brussels, Belgium) or by email to data-protection@global-health-edctp3.europa.eu

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

Global Health EDCTP3 JU collects and uses your personal information in the frame of the processing operation for whistleblowing based on Articles 22a (internal whistleblowing) of the Staff Regulations. Having procedures for raising concerns about fraud, corruption or other serious wrongdoing is relevant for all responsible organisations and for the people who work there. While good internal control systems can reduce the probability of something going seriously wrong, this risk can never be reduced to zero. Where this risk materialises, the first people to realise or suspect the problem will often be those who work in or with the

organisation. Yet unless the culture is one where employees believe that it is safe and accepted that such concerns are raised, the risk is that people will stay silent. This denies the organisation an important opportunity to detect and investigate the concern, to take any appropriate action and to protect its assets, integrity and reputation.

The most effective way to encourage staff to report concerns is to provide assurance of protection. Clearly defined channels for internal reporting as well as safe and accepted routes through which staff may raise concerns outside the organisation as an option of last resort should be in place. Viewed in this way, having whistleblowing procedures and whistleblower protection in place is simply a question of good management and a means of putting into practice the principle of accountability. They contribute to improving the diligence, integrity and responsibility of an organisation.

It is against this background that rules on whistleblowing were adopted and included in the Staff Regulations (Articles 22a and 22b). They complement the general principle of loyalty to the European Union, the obligation to assist and tender advice to superiors (Article 21) as well as the rules on how to deal with orders which are considered to be irregular or likely to give rise to serious difficulties (Article 21a).

Whistleblowers also have the possibility to blow the whistle in an anonymous manner but the protection which is offered reduces the need and justification for anonymity and deprives the investigative services of the possibility of asking the source for clarification or more information. Anonymous reporting is thus not encouraged.

While these rules have already triggered a number of significant investigations by the European Anti-Fraud Office (OLAF), some staff may be reticent to make full use of the whistleblowing procedure, because of a fear of negative repercussions on their reputation or career.

As part of the Global Health EDCTP3 JU's duty to have regard for the interests of staff members (*'devoir de sollicitude'*), it is necessary to ensure that members of staff who report serious wrongdoings or concerns in good faith are afforded the utmost confidentiality and greatest degree of protection against any retaliation as a result of their whistleblowing.

As whistleblowing arrangements are widely recognised as an important tool to detect fraud, corruption and serious irregularities, it is important that staff fully understand the types of situations where the obligation to 'blow the whistle' applies, and to whom they should address their concerns.

Providing guidance on this issue is part of the Global Health EDCTP3 JU's overall ethics policy, which aims inter alia at clarifying the rules regarding professional ethics in Global Health EDCTP3 JU.

Thus, the purpose of the processing operation in Global Health EDCTP3 JU is **to collect data for the purposes of establishing reporting channels for whistleblowers, manage and follow-up reports, and ensure protection and adequate remedies for whistleblowers.**

In particular:

- Provide safe channels to staff to report fraud, corruption or other serious wrongdoings in Global Health EDCTP3 JU;
- Offer guidance and support to potential whistleblowers;
- Provide feedback to the whistleblower;
- Ensure the proper follow-up on the reported alleged facts;
- Ensure protection of the whistleblower and the person against whom the allegation is made and any other natural person mentioned in the report/involved in the case.

The whistleblowing procedure/channels are not used for reporting:

- Information already in the public domain (for example: newspaper articles, publicly available audits);
- Unsubstantiated rumours and hearsay;
- Matters of a trivial nature;
- Disagreements over legitimate policy;
- Information not linked to the performance of one's duties;
- Personnel issues where staff have a personal interest in the outcome;
- Harassment claims and personal disagreements or conflicts with colleagues or hierarchy;
- Abusive disclosures (repeated disclosures of alleged facts aimed merely at paralysing a service);
- Malicious, frivolous or potentially defamatory disclosures (i.e. false or unverifiable accusations with the aim of harming another person's integrity or reputation).

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

4. Which are the data subjects concerned?

The data subjects concerned are:

- Global Health EDCTP3 staff members, and
- Any third parties mentioned in the context of a specific case

Based on the Global Health EDCTP3 implementing rules laying down guidelines on whistleblowing, while the whistleblowing rules do not strictly speaking apply to seconded national experts, trainees, interim staff and local agents, these categories of staff are also encouraged to make use of the arrangements set out in the implementing rules and the JU undertakes to protect these categories of staff against retaliation if they do so in good faith. Therefore, their data will also be processed based on this policy.

5. Which personal data do we collect and further process and on which legal grounds?

In order to carry out this processing operation Global Health EDCTP3 JU collects the following categories of personal data:

For the whistleblower: first name and last name, function and place of employment / administrative address, email.

For the person allegedly committing wrongdoing: first name and last name, function and place of employment, email, any other data necessary for the demonstration of the wrongdoing.

For the witness: first name and last name, function and place of employment, any other data necessary for the justification of his/her quality as a witness.

For the third party: first name and last name, function and place of employment, any other data contained in the report.

The provision of personal data is mandatory to meet statutory requirement and to proceed with investigations in the context of a whistleblowing alert.

We process your personal data because the processing operations carried out in this context are necessary and lawful under the following legal basis: Regulation (EU) 2018/1725 more specifically Article 5(1)(b) “processing is necessary for compliance with a legal obligation to which the controller is subject;”.

The necessity is foreseen by the following legal and administrative acts:

- Articles 317 and 325 of the Treaty on the Functioning of the European Union (TFEU) regarding the protection of the financial interests of the Union and the fight against fraud affecting these interests;
- The Staff Regulations of Officials of the European Union (‘Staff Regulations’) and the Conditions of Employment of Other Servants of the European Union (CEOS), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, in particular Articles 22 of the Staff Regulations and Articles 11 and 81 of the Conditions of Employment of Other Servants of the European Communities;
- Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast);
- Governing Board Decision n° 12/2023 on staff implementing rules on whistleblowing (GH-EDCTP3-GB.12.2023);
- Governing Board Decision n° 22/2022 adopting the Global Health EDCTP3 JU Financial Rules (GH-EDCTP3-GB.22.2022);
- Governing Board Decision n° 9/2024 on the Global Health EDCTP3 JU anti-fraud strategy (GH-EDCTP3-GB.09.2024);
- Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999.

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

Access to your personal data is provided to Global Health EDCTP3 JU 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.

- the Global Health EDCTP3 JU Executive Director;
- the Global Health EDCTP3 JU Head of Administration and Finance;
- the Global Health EDCTP3 JU Internal Control and Audit Manager
- the Global Health EDCTP3 JU OLAF correspondent and their back-up

In addition, as a follow-up to the handling of the whistleblowing report, the information reported by the whistleblower can be transferred to OLAF. The necessity for transferring the personal data to OLAF is assessed on a case-by-case basis.

If staff considers it to be safer to bypass the normal chain of hierarchical command, or one of the abovementioned staff members, they must be able to do so. Then, the staff member may address his or her report to the Secretary General, or equivalent, or directly to OLAF. OLAF may also be notified through the [Fraud Notification System](#). The access to personal data will then be restricted.

Other recipients may include (if necessary): European Court of Auditors, Court of Justice, European Commission Internal Audit Service, Intra and extra-muros external service providers, such as ethics experts or law firms.

7. How long do we retain your personal data?

Different conservation periods should apply depending on the information in the report and how the case is dealt with. If a case is sent to OLAF and an investigation is opened, there is no need for the Global Health EDCTP3 JU to keep the information for a longer period.

In cases OLAF decides not to start an investigation, Global Health EDCTP3 JU will delete the information without delay.

Files on the basis of which an administrative inquiry or disciplinary procedure is opened by Global Health EDCTP3 JU, the information should be kept in line with the retention periods foreseen for those files.

When the investigation has dismissed a report of whistleblowing, the data gathered to build the investigation will be retained for a period of 2 months after the final decision has been issued to all parties involved.

8. How do we protect and safeguard your personal data?

In order to protect your personal data, Global Health EDCTP3 JU has put in place a number of technical and organisational measures in place. Technical measures include appropriate actions

to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

9. What are your rights and how to exercise them?

As a 'data subject' you have, under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, specific rights. In particular:

- You have the right to request access to all personal data processed by us pertaining to you.
- You have the right to rectification, i.e. to ask that any personal data pertaining to you that are inaccurate, be corrected.
- You have the right to withdraw your consent for processing of your personal data.
- You have the right to erasure, i.e. to request that personal data pertaining to you be deleted if these data are no longer required in the light of the purposes outlined above in Heading 3.
- You have the right to restriction instead of deletion, i.e. to request that we limit the processing of your personal data.
- you have the right not to be subject to a decision based solely on automated processing of data, including profiling, if such decision has legal effect on him or her, except for certain situations, such as entering into a contract (as required by articles 14-16 & 24 of Regulation (EU) 2018/1725).
- You have the right to data portability, i.e. to receive from us in a structured, commonly-used and machine-readable format all personal data you have provided to us if the processing is based on your consent or a contract with you and the processing is carried out by automated means.

Possible restrictions as laid down in Article 25 Regulation 2018/1725 can apply based on Global Health EDCTP3 JU Governing Board Decision n°18/23 (GH-EDCTP3-GB.18.2023) laying down internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the Global Health EDCTP3 JU, in particular Articles 3(1)(b), (e), (f), (g) and (h).

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 Global Health EDCTP3 JU Data Protection Officer by post (postal address TO-56, B-1049, Brussels, Belgium) or by email to data-protection@global-health-edctp3.europa.eu

The European Data Protection Supervisor (EDPS)

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 Global Health EDCTP3 JU, as a data

subject, you have a right to recourse to the European Data Protection Supervisor (EDPS) at any time by e-mail to edps@edps.europa.eu or a letter to the EDPS postal address marked for the attention of the EDPS DPO:

European Data Protection Supervisor
Rue Wiertz 60
B-1047 Brussels
BELGIUM

For more information on the EDPS, please consult their website: <https://www.edps.europa.eu>.

10. Where to find more detailed information?

The Global Health EDCTP3 JU Data Protection Officer (DPO) publishes the Register of all processing operations on personal data by the Global Health EDCTP3 JU on the website. The Register can be found [here](#).

This specific processing operation has been included in the Global Health EDCTP3 JU Public Register with the following Record reference: DPO-04-04.