



WOJCIECH RAFAŁ WIEWIÓROWSKI
ASSISTANT SUPERVISOR

Ms [...]
European Economic and Social
Committee
Head of Unit, Working conditions,
rights and obligations
Rue Belliard, 101
1040 Brussels

Brussels, 6 January 2016
WW/BR/sn/D(2016)2488 C 2015-1090
Please use edps@edps.europa.eu for all
correspondence

Re: Prior checking Opinion on the whistleblowing procedure of the European Economic and Social Committee

Dear Madam,

We refer to the notification for prior checking regarding internal rules concerning whistleblowing of the European Economic and Social Committee ("EESC") received by the European Data Protection Supervisor ("EDPS") on 10 December 2015¹.

We note that:

- the EESC and the Committee of the Regions have jointly prepared internal rules concerning whistleblowing;
- the Committee of the Regions submitted the initial notification for prior checking received by the European Data Protection Supervisor, which issued its Opinion on 8 December 2015 (Case **2015-0897**)²;
- the notification regarding the internal rules concerning whistleblowing and the draft decision of the EESC, initially identical to those of the Committee of the Regions, were amended so as to take account of the recommendations of the EDPS in its Opinion of 8 December 2015;
- the additional amendments made to the joint draft decision of the Committee of the Regions and the EESC have no bearing on the protection of personal data;
- the EESC requests that its notification for prior checking be dealt with in accordance with the earlier notification from the Committee of the Regions.

¹ The draft Opinion on the notification for prior checking was sent on 18 December 2015 to the EESC which reacted that same day but has not made any comments.

² Annex 1

Following examination of the notification and the draft decision, we find that the majority of recommendations issued in the Opinion of the EDPS regarding the internal rules concerning whistleblowing of the Committee of the Regions (Case 2015-0897) have been implemented by the EESC, subject to the following two points.

1.- Restriction of rights of access³

The information note attached to the recommendation states that the right of access may be restricted for the purposes of an investigation but makes no reference to other grounds for restriction of the right of access (in particular to guarantee the rights and freedoms of others). Consequently, the information note must specify that the right of access may be restricted under Article 20 of the Regulation.

2.- Security measures⁴:

[...]

Please inform the EDPS of the measures taken based on the recommendations of this Opinion within a period of 3 months.

Yours sincerely,

(signed)

Wojciech Rafał WIEWIÓROWSKI

cc: Mr [...], Data Protection Officer of the European Economic and Social Committee

Attachment: Opinion of the EDPS of 8 December 2015 in Case 2015-0897

³ Recommendation No 7 of the Opinion of the EDPS in Case 2015-0897.

⁴ Recommendation No 10 of the Opinion of the EDPS in Case 2015-0897.