

Information notice on the processing of external alerts

Data controller

The *Ombudsman fir Kanner a Jugendlecher* ("OKAJU"), as a competent authority within the meaning of Article 18 of the Act of 16 May 2023 transposing Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report violations of Union law ("Whistleblowers Act of 16 May 2023"), is the controller of the personal data communicated to it by the whistleblower in accordance with the said Act.

The OKAJU's contact details are as follows:

Ombudsman fir Kanner a Jugendlecher - OKAJU

Mënscherechtshaus – House of Human Rights
65, route d'Arlon
L-1140 Luxembourg
(+352) 283 73635

Purposes and legal bases

The OKAJU may be contacted by any whistleblower wishing to make an alert. As part of the tasks entrusted to it by the law of 16 May 2023 relating to whistleblowers, the OKAJU processes the personal data communicated via whistleblowing reports to:

- Process and follow up on external alerts
- Providing feedback to those submitting alerts
- Gathering additional information from the parties issuing alerts
- Communicating alerts to the *Office des signalements*, where appropriate
- Forwarding alerts to other competent national authorities
- Forward the information in the alert to the relevant EU institutions and bodies

Processing of your personal data is then necessary for the performance of a task carried out in the public interest and entrusted to the OKAJU (art. 6-1, e) of the GDPR).

Personal data processed

When you submit an alert by email, the OKAJU collects the personal data you provide, such as your surname, first name and contact details, to be able to provide you with feedback and follow up your alert. The OKAJU also collects the personal data that you mention in the description of the alleged violation. This data may include the identity of the author of the violation, as well as information relating to the behaviour of other people, such as witnesses.

When you make an alert by phone or in person, other contact details may be collected to ensure that your alert is followed up.

When describing the violation, the OKAJU asks you to include only the information necessary to process your alert and not to include sensitive data (within the meaning of Article 9 of the GDPR) concerning you or third parties, where this is not essential to the processing of your alert (data relating to health, political opinions, religious beliefs, etc.).

Categories of recipients

Only authorised OKAJU staff members have access to personal data communicated as part of an alert, whether made by phone, email or in person.

In the case of whistleblowing via other OKAJU staff members, they are also obliged to respect confidentiality regarding the identity of the whistleblower, or the person concerned. They will then pass on the alert as quickly as possible to the members of staff in charge of processing it.

Personal data collected is recorded in the OKAJU information system, which is made available by duly selected IT service providers acting as OKAJU processors within the meaning of the GDPR. The personal data provided by the whistleblower may only be accessed by OKAJU's processors in the context of a specific request for support or assistance.

Where an alert does not fall within the remit of the OKAJU, the data collected may be transmitted to other competent national authorities or to competent institutions, bodies, offices or agencies of the European Union within the framework of the cooperation provided for in Article 19 of the Act of 16 May 2023 on whistleblowers.

If the facts revealed are likely to constitute a crime or an offence, the OKAJU is obliged to inform the judicial authorities of the alert.

Finally, after examination, the alert may be communicated to the *Office des signalements* for the purpose of imposing an administrative fine on the person(s) concerned.

Retention period

Personal data contained in the alert is kept for a maximum period of 10 years from the closure of the procedure carried out by the OKAJU in the performance of its duties.

The OKAJU will ensure that it collects only the personal data necessary to process the alert and will refrain from collecting any data that is manifestly not relevant to said processing. In the event of accidental collection of irrelevant personal data by the OKAJU, such data will be deleted without undue delay.

Similarly, if an alert is deemed to be unfounded or falls outside OKAJU's remit, the personal data obtained in connection with the alert will be deleted without delay.

Your rights

You may access your personal data and obtain a copy (Article 15 of the GDPR), obtain rectification of inaccurate or incomplete data (Article 16 of the GDPR), object to the processing of your data (Article 21 of the GDPR), obtain the erasure of your data in accordance with Article 17 of the GDPR and the restriction of processing in accordance with Article 18 of the GDPR.

For any request relating to the exercise of your rights, you may contact OKAJU's Data Protection Officer (DPO), whose contact details are given below.

Contact details of the DPO

If you have any questions about the processing of personal data carried out by the OKAJU as part of its management of alerts as a competent authority, you can contact OKAJU's DPO by email (dpo@okaju.lu) or by post:

Ombudsman fir Kanner a Jugendlecher - OKAJU

To the DPO

Mënscherechtshaus – House of Human Rights

65, route d'Arlon

L-1140 Luxembourg

Complaint

If you consider that the processing of your data by the OKAJU constitutes a breach of the GDPR or that it has not provided a satisfactory response to your request to exercise a right, you may [lodge a complaint with the National Data Protection Commission \(CNPD\)](#).