

Information notice for the processing of personal data in connection with the reporting of breaches of national and Union law¹ through external reporting channels to the Air Navigation Administration as competent authority

Introduction

This information notice is issued by the *Administration de la navigation aérienne* (hereafter **ANA**) to inform you about the processing of your personal data carried out by it in its capacity as the competent authority for receiving (external) reports of breaches of national and Union law within the limits of its tasks and competences (as defined in the Law of 21 December 2007, as amended, creating the *Administration de la navigation aérienne*) in accordance with the Law 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 breaches of Union law (hereinafter the **Law**). You can file your report in accordance with the procedure that you will find on the [website of ANA](#).

1. Details of the data controller and its data protection officer

The contact details for ANA, acting in its capacity as data controller, are as follows:

Administration de la navigation aérienne
Address : 4, rue de Trèves, L-2632 Findel
Phone: (+352) 4798-22802
Email: info@airport.etat.lu

If you have any questions regarding the processing of your data by ANA, please contact the Data Protection Officer by email dpo@airport.etat.lu.

¹ 'Breaches' means "acts or omissions that are unlawful or go against the object or purpose of directly applicable provisions of national or European law" and "external reporting" is defined as "the communication of information on breaches to the competent authorities" - Article 3 of the Law 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 breaches of Union law.

2. Basis for lawful processing, categories of data processed and purposes of processing

Lawfulness of the data processing carried out

The processing of your data by ANA for the purposes of fulfilling its public interest missions (Article 6, paragraph 1, point e) of Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (hereinafter the “**GDPR**”) and the legal obligations imposed on it by the applicable legislation, and more particularly in application of Article 18 (1) 17° of the Law.

Categories of processed data

The processing carried out by ANA concerns or may concern the following categories of data:

- Your identification data (surname, first name, etc.);
- Your professional data (e-mail addresses and telephone numbers);
- Data relating to your professional activity (position, employer identity, etc.);

Insofar as, when you act as a whistleblower, you may also be required to provide a description of the alleged breach and specify who committed it, it is possible that personal data relating to the perpetrator of the violation and/or witnesses may be processed.

Access to the data is password protected and limited to the persons strictly necessary to ensure the management of the reporting channels and the collection and follow-up of reports.

Purposes of processing

The purpose of processing your data is to process and follow up on your report, and more specifically to do the following:

- receiving and analysing your report ;
- send an acknowledgement of receipt to your report;
- carry out the necessary checks, investigations and analyses;
- providing feedback on your report;
- determining the action to be taken on your report;
- ensure the protection of the persons concerned;
- exercise or defend legal rights;
- manage external reporting channels.

3. Data sources and recipients

You provide the data directly to the ANA. The provision of your personal data is optional. If you refuse to provide us some data, the ANA will be unable to keep you informed of the progress of the case concerning your report.

If a report does not fall within the ANA's scope, the data collected may be transmitted to other competent authorities in the context of the cooperation provided for in Article 19(8) of the Law. Also, your data may, where appropriate, be transferred to the *office des signalements* or to the police and judicial authorities in the context of a criminal investigation/proceeding.

4. Retention period

Personal data, whatever its medium, relating to a report that is not admissible shall be destroyed immediately. This concerns all the elements in the file which may enable the author of the report and, where applicable, the persons concerned by the report to be identified.

Where a report is admissible but is not followed by disciplinary or judicial proceedings, the data relating to the report is kept for three months after the end of the processing of the report and is then destroyed.

When disciplinary or legal proceedings are initiated against the person concerned or the perpetrator of an abusive report, the data relating to the report is kept until the end of the proceedings and any subsequent litigation or prosecution.

5. Transfer of your data to third countries

Your data is processed within the European Economic Area.

6. The rights of the data subject

You have the rights set out in Chapter III (Articles 12 to 22) of Regulation (EU) 2016/679. You may thus, within the limits of the applicable legislation, access the data concerning you and obtain a copy thereof (article 15), obtain the rectification of inaccurate or incomplete data (article 16) and obtain the erasure thereof under the conditions set out in article 17 of the said Regulation.

In certain circumstances, you also have the right to limit the processing of your data (article 18).

The processing of your data does not involve any decision based exclusively on automated processing that produces legal effects concerning you or significantly affects you in a similar way.

Any communication relating to a request for information, a complaint or regarding the exercise of your rights under the provisions of Regulation (EU) 2016/679 should be addressed to ANA's Data Protection Officer.

7. Complaints to the National Data Protection Commission (CNPD)

If, after contacting us, you believe that the processing of your data by the ANA constitutes a breach of Regulation (EU) 2016/679 or that your rights under the said Regulation have not been respected, you may lodge a complaint with the Commission Nationale pour la Protection des Données (CNPD) (<https://cnpd.public.lu>; 15, Boulevard du Jazz, L-4370 Belvaux; (+352) 26 10 60-1).