

Information under Article 13 of the General Data Protection Regulation (GDPR) on the processing of personal data carried out by the CNPD to handle reports as a competent authority on the basis of Article 18 of the Act of 16 May 2024 on the protection of whistleblowers

1. Data controller

As a competent authority in the field of data protection under the Act of 16 May 2024 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 “Act of 16 May 2024 on the protection of whistleblowers”), the CNPD is the data controller of the personal data included within reports submitted by whistleblowers under the aforementioned Act.

The contact details of the CNPD are the following:

National Data Protection Commission

15, Boulevard du Jazz

L-4370 Belvaux

Tél. : (+352) 26 10 60 - 1

Fax. : (+352) 26 10 60 -6099

E-mail: info@cnpd.lu

2. Purposes of the processing and legal basis for the processing

Pursuant to Articles 17 and 19 of the Act of 16 May 2023 on the protection of whistleblowers, the CNPD, as a competent authority in the field of data protection, is under the obligation to set up the appropriate channels to receive and handle reports about personal data violations and to ensure a follow-up of such reports.

In this respect, the processing of personal data carried out by the CNPD is necessary for the performance of a task carried out in the public interest [Article 6, paragraph 1, point e) of the General Data Protection Regulation (hereinafter: the “GDPR”).

3. Personal data processed

In accordance with the confidentiality requirements under the Act of 16 May 2023 on the protection of whistleblowers, the CNPD processes personal data received from the whistleblower, namely the whistleblower’s name and surname, as well as other personal data included within the report, and which may concern other natural persons.

However, pursuant to Article 23, paragraph 2 of the Act of 16 May 2023 on the protection of whistleblowers, personal data that are clearly irrelevant for handling the report are immediately deleted by the CNPD.

4. Categories of recipients of the personal data

Access to the personal data included in the reports is limited to CNPD's Commissioners and staff members authorized and competent to receive and to follow-up on such reports.

To ensure the confidentiality of the personal data processed, the CNPD uses a virtual safe service (CFE) provided by SeeZam S.A. (60A, rue de Bettembourg L-5811 Fentange).

SeeZam S.A. has no access to the personal data processed in the CFE allocated to the CNPD and does not have the possibility to identify a whistleblower by its own technical means.

Pursuant to Article 17(4) of the Act of 16 May 2023 on the protection of whistleblowers, if the CNPD receives a report through other channels than those foreseen by law, the CNPD must ensure that the staff members receiving the report (1) abstain to disclose any information which may identify the whistleblower or another data subject and (2) transmit the report, without any modification, to the Commissioners and authorized staff members.

If the report does not fall within the area of CNPD's competence, it is then forwarded to the competent authority within a reasonable timeframe, in a confidential and secured manner.

5. Storage duration

Personal data contained in the report are kept for a period of ten years from the date of the closing of the case.

6. Rights of the data subject

You have the right to access your personal data and to obtain a copy of them (Article 15 of the GDPR), to obtain the rectification of inaccurate or incomplete personal data (Article 16 of the GDPR), to object to the processing of your personal data under the conditions laid down in Article 21 of the GDPR, to obtain the erasure of your personal data under the conditions laid down in Article 17 of the GDPR, and to obtain the restriction of the processing under the conditions laid down in Article 18 of the GDPR.

If the report is communicated orally, the whistleblower has the possibility to check, to rectify and to approve the transcript of the report.

For any queries regarding the exercise of your rights, you can contact the data protection officer (DPO) of the CNPD. Please find below the DPO's contact details (point 7).

7. Contact details of the data protection officer (DPO)

For any questions regarding the processing of personal data carried out by the CNPD as a competent authority in the field of data protection, you can contact the DPO of the CNPD by e-mail (dpo@cnpd.lu) or by post:

Commission nationale pour la protection des données
A l'att. du délégué à la protection des données

15, Boulevard du Jazz
L-4370 Belvaux
Tél. : (+352) 26 10 60 -1

8. Complaint

If you consider that the processing of your personal data by the CNPD infringes the General Data Protection Regulation, you can lodge a [complaint with the CNPD](#).