

Data protection declaration for the processing of personal data in the context of reports submitted via MyGuichet.lu

Employees of the Ministry of the Environment, Climate and Biodiversity (hereinafter 'the MECB') and its administrations, who become aware of a breach in the context of their work may report it to the competent authorities whilst being protected by the legislation on whistleblowing. In order to process these reports, the MECB processes your personal data (hereinafter 'the data') in accordance with [Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 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 - abbreviated as 'GDPR'.

1. The contact details of the MECB and its data protection officer

If you have any questions about the processing of your data by the MECB, please contact our [data protection officer](#):

Ministère de l'Environnement, du Climat et de la
Biodiversité
À l'attention du DPO
L-2918 Luxembourg
Phone: 247 86 86 3
dpo@mev.etat.lu

2. The lawfulness and the purposes of the processing

The legal basis of the data processing

The MECB processes your data in order to fulfil its public interest missions and the legal obligations imposed on it by the applicable legislation on whistleblowing, in particular 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').

The purposes of the processing

The purposes of the processing that your data will undergo are as follows:

- The processing of internal reports, with an acknowledgement of receipt, any possible requests for additional information and information regarding the investigation's progress and any follow-up to the investigation.
- The processing of external reports, for which the MECB has no jurisdiction, with possible referral to the competent authority.

3. Data recipients

- The data recipients are the MECB's reporting officers. In principle, the investigation will be carried out internally without disclosing your identity, unless you give your written consent.

- Your data shall only be transferred outside the MECB with your written consent (e.g. to the psychosocial service at the State Centre for Human Resources and Organisation Management in the event of harassment).

Notwithstanding the above, the identity of the person reporting the breach and any information that may directly or indirectly reveal their identity may be disclosed only where this is a necessary and proportionate obligation imposed by the law of 8 June 2004, as amended, on freedom of expression in the media or by European Union law as part of investigations conducted by national authorities or in the context of legal proceedings, in particular with a view to safeguarding the rights of the defence of the person concerned (article 22 of the law).

This shall also apply if the facts reported are likely to constitute a crime or an offence. In this case, the officer *'is required to immediately submit their observations to the public prosecutor and provide that magistrate with all the relevant information, reports and documentation, notwithstanding any confidentiality or professional secrecy agreements that may apply to them, where applicable'* (Article 23 (2) of the Code of Criminal Procedure).

4. Optional nature of the provision of data and the consequences in the event of refusal to provide the data

You are not obliged to provide your data. An anonymous report submitted via MyGuichet.lu will have no consequences nor prevent it from being processed, unlike other anonymous reports submitted via other reporting channels where it would not be possible to contact you.

5. Data retention period

Your data will be kept in a form that enables you to be identified, for the maximum periods stated below:

- One year and 3 months after the submission of your report
- During the period set out for administrative purposes if the processing of the report has not been completed after one year and 3 months. For example: in the event of legal proceedings.

6. Transfer of your data to a third country

Your data will not be transferred outside the European Economic Area.

7. Your rights

Within the limits of the legislation in force, you have the right to access, rectify or erase your data as well as the right to obtain a copy. You also have the right to object to the processing and the right to restrict processing.

- The processing of your data does not imply any automated decision making producing legal effects concerning or similarly affecting you in any significant manner.

8. Lodging a complaint with the National Commission for Data Protection (CNPd)

If, after having contacted us, you consider that the processing of your data as carried out by the MECB constitutes a breach of the GDPR or that your rights under that Regulation have not been respected, you may lodge a complaint with the supervisory authority for data protection, namely the National Commission for Data Protection (CNPd) (<https://cnpd.public.lu>; 15, Boulevard du Jazz, L-4370 Belvaux; Phone: (+352) 26 10 60-1).