



**European Labour Authority**

DATA PROTECTION OFFICER

**RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA**

DPR-ELA-2022- 0040: Use of personal data for safety and security reasons at ELA

**1 PART 1: PUBLIC - RECORD (ARTICLE 31<sup>1</sup>)****1.1 GENERAL INFORMATION**

<b>Record reference</b>	DPR-ELA-2022- 0040
<b>Title of the processing operation</b>	Use of personal data for safety and security reasons at ELA
<b>Controller entity</b>	European Labour Authority, Resources Unit (ELA Resources Unit)
<b>Joint controllers</b>	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES, fill in details below
<b>Processor(s)</b>	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES, fill in details below
External organisation(s)/entity(ies) Names and contact details	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES <b>Owner of the building:</b> J&T REAL ESTATE, a.s. Dvořákovo nábrežie 10 811 02 Bratislava, Slovakia.  <b>Buidling Management:</b> Danube Facility Services, s.r.o. Dvorakovo nabrezie 10 811 02 Bratislava, Slovakia.  External Security services of the building Receptionist/Information clerk of the building  Microsoft Ireland South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, Ireland  The European Labour Authority's contractors are bound by a specific contractual clause for any processing operations of personal data on behalf of the European Labour Authority, and by the confidentiality obligations deriving from the General Data Protection Regulation.
<b>Data Protection Officer</b> Name and contact details	Laura NUNEZ BAREZ Landererova 12, 811 09 Bratislava I Slovakia Email: data-protection@ela.europa.eu
<b>Corporate Record</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Language of the record</b>	English

<sup>1</sup> Pursuant to **article 31** of the new data protection regulation for EU institutions and bodies (**Regulation (EU) 2018/1725**) each controller and processor have to maintain a **record of processing activities** under its responsibility that contains at least the information listed under that article.

**1.2 PURPOSE AND DESCRIPTION OF THE PROCESSING****1.2.1 Purpose**

The European Labour Authority (ELA) will collect personal data to ensure the integrity of ELA premises, safety and security of ELA staff and business continuity in line with the relevant legal requirements that the ELA is subject to.

Personal data will be also collected to establish contingency plans applicable in crisis situations including emergencies such as fire, explosion, contamination, irradiation of persons or loss of electrical power, etc.

**1.2.2 Processing for further purposes**

- Archiving in the public interest
- Scientific or historical research purposes
- Statistical purposes

**1.2.3 Modes of processing**

1.  Automated processing (Article 24)
  - a.  Computer/machine
    - i.  automated individual decision-making , including profiling
    - ii.  Online form/feedback
    - iii.  Any other, specify
2.  Manual processing
  - a.  Word documents
  - b.  Excel sheet
  - c.  Any other, specify

**1.2.3.1 Description****1.2.4 Storage medium**

1.  Paper
2.  Electronic
  - a.  Digital (MS documents (Word, excel, PowerPoint), Adobe pdf, Audio visual/multimedia assets, Image files (.JPEG, .PNG, etc.))
  - b.  Databases
  - c.  Servers
  - d.  Cloud
3.  External contractor premises

**1.2.4.1 Description:****1.2.5 Comments on the processing of the data**

Each floor will appoint at least two Fire Marshalls who will be responsible for:

- a) Ensuring all staff have exited the floor in the event of an alarm
- b) The Warden on the 11th Floor will need to ensure staff from the adjoining office are seen to exit the building through the stairwell.
- c) Can take a roster of staff that were in the building when the Alarm Sounded. We will configure the appropriate staff to receive the list of staff members in the building by email.

**1.3 DATA SUBJECTS AND DATA CATEGORIES****1.3.1 Data subjects' categories**

1. Internal to organisation	ELA Staff ELA ICT and Facilities Team
2. External to organisation	<input checked="" type="checkbox"/> N/A

**1.3.2 Data categories/fields**

Indicate the categories of data that will be processed

Description:

**ELA Staff**

Name, Surname, contact details: office number, function, telephone and email, presence/absence in the office.

Staff private phone numbers may be processed in case of an incident or the person is reported missing.

**ELA Fire Marshalls**

Name, Surname, trainings performed, report in case of an incident, signature.

If an incident occurs, personal data, including health data, related to that incident may be collected in order to provide the appropriate support to the data subject.

**1.3.2.1 Special categories of personal data**

**Indicate if the processing operation concerns any 'special categories of data' which fall(s) under Article 10(1), which shall be prohibited unless any of the reasons under article 10(2) applies:**

**Yes , the processing concerns the following special category(ies):**

Data revealing

racial or ethnic origin,

political opinions,

religious or philosophical beliefs,

trade union membership,

Or/and,

Genetic data, biometric data for the purpose of uniquely identifying a natural person,

Data concerning health,

Data concerning a natural person's sex life or sexual orientation.

**Description:**

If an incident occurs, personal data, including health data, related to that incident may be collected in order to provide the appropriate support to the data subject.

**If applicable, indicate the reasons under article 10(2) allowing the processing of the special categories of data:**

- (a)  The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, [...].

- (b)  Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security [...].
- (c)  Processing is necessary to protect the vital interests of the data subject or of another person where the data subject is physically or legally incapable of giving consent.
- (d)  Processing is carried out in the course of its legitimate activities with appropriate safeguards by a non-profit-seeking body which constitutes an entity integrated in a Union institution or body and with a political, philosophical, religious or trade-union aim [...].
- (e)  Processing relates to personal data which are manifestly made public by the data subject.
- (f)  Processing is necessary for the establishment, exercise or defence of legal claims or whenever the Court of Justice of the European Union is acting in its judicial capacity.
- (g)  Processing is necessary for reasons of substantial public interest, [...]
- (h)  Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services [...].
- (i)  Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices [...].
- (j)  Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes [...].

### 1.3.2.2 Data related to 'criminal convictions and offences'

The data being processed contain sensitive data which fall(s) under Article 11 'criminal convictions and offences'	N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Description:	

## 1.4 RETENTION PERIOD

Indicate the administrative time limit(s) for keeping the personal data per data category, and if known, specify the start/end date, or describe the specific start/end moment of each time limit:

Data category	Retention period	Optional	
		Start date/moment	End date/moment
Personal data Staff	The list of staff present in the office is dynamically generated as people enter and leave the building. The list sent to the fire Marshall is only valid for the day of the event and thereafter the Fire Marshall should delete the email from their system when the incident finishes.		
Personal data related to Fire Marshalls	As long as the staff is performing this task.		
Personal data related to a possible incident	Will be deleted after 6 months, if there is no need to keep it for audit trial purpose or for the establishment, exercise or defence of legal claims		

**1.5 RECIPIENTS**

<b>Origin of the recipients of the data</b>	
1. <input checked="" type="checkbox"/> Within the EU organization	ELA ICT and Facilities Team Head of Unit of Resources ELA Fire Marshalls
2. <input checked="" type="checkbox"/> Outside the EU organization	External Security services of the building Building management and SBS Control Room (emergency calls) Slovak authorities/Federal Police/Ambulance or Fire services

<b>Categories of the data recipients</b>	
1. <input checked="" type="checkbox"/> A natural or legal person	
2. <input checked="" type="checkbox"/> Public authority	
3. <input type="checkbox"/> Agency	
4. <input type="checkbox"/> Any other third party, specify	

**Description**

In case of an investigation on an incident and/or relating to safety and/or security, personal data, including special categories of personal data: health data, may be shared with Slovak authorities and/or the Federal Police and with the building management/external security services of the building.

Electronic documents will be accessible to authorized staff in the ICT and Facilities team and Resources Head of Unit.

In case of an incident list of staff present in the office will be accessible to the ELA Fire Marshalls. The list will only be valid for the day of the event and Fire Marshalls will be instructed to delete the email from their system at the end of the incident.

**1.6 INTERNATIONAL DATA TRANSFERS**

<b>Transfer to third countries or international organisations of personal data</b>	
<b>1. Transfer outside of the EU or EEA</b>	
<input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur <input type="checkbox"/> YES,	
Country(ies) to which the data is transferred	
<b>2. Transfer to international organisation(s)</b>	
<input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur <input type="checkbox"/> Yes, specify further details about the transfer below	
Names of the international organisations to which the data is transferred	
<b>3. Legal base for the data transfer</b>	

- Transfer on the basis of the European Commission's **adequacy decision** (*Article 47*)
- Transfer subject to **appropriate safeguards** (*Article 48.2 and .3*), specify:
2. (a)  A legally binding and enforceable instrument between public authorities or bodies.
- Standard data protection clauses, adopted by
- (b)  the Commission, or
- (c)  the European Data Protection Supervisor and approved by the Commission, pursuant to the examination procedure referred to in Article 96(2).
- (d)  Binding corporate rules,  Codes of conduct,  Certification mechanism pursuant to points (b), (e) and (f) of Article 46(2) of Regulation (EU) 2016/679, where the processor is not a Union institution or body.
3. Subject to the authorisation from the European Data Protection Supervisor:
- Contractual clauses between the controller or processor and the controller, processor or the recipient of the personal data in the third country or international organisation.
- Administrative arrangements between public authorities or bodies which include enforceable and effective data subject rights.
- Transfer based on an **international agreement** (*Article 49*), specify

#### 4. Derogations for specific situations (*Article 50.1 (a) –(g)*)

N/A

Yes, derogation(s) for specific situations in accordance with article 50.1 (a) –(g) apply(ies).

In the absence of an adequacy decision, or of appropriate safeguards, transfer of personal data to a third country or an international organisation is based on the following condition(s):

- (a)  The data subject has explicitly consented to the proposed transfer, after having been informed of the possible risks of such transfers for the data subject due to the absence of an adequacy decision and appropriate safeguards
- (b)  The transfer is necessary for the performance of a contract between the data subject and the controller, or the implementation of pre-contractual measures taken at the data subject's request
- (c)  The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the controller and another natural or legal person
- (d)  The transfer is necessary for important reasons of public interest
- (e)  The transfer is necessary for the establishment, exercise or defence of legal claims
- (f)  The transfer is necessary in order to protect the vital interests of the data subject or of other persons, where the data subject is physically or legally incapable of giving consent
- (g)  The transfer is made from a register which, according to Union law, is intended to provide information to the public and which is open to consultation either by the public in general or by any person who can demonstrate a legitimate interest, but only to the extent that the conditions laid down in Union law for consultation are fulfilled in the particular case

## 1.7 INFORMATION TO DATA SUBJECTS ON THEIR RIGHTS

Rights of the data subjects
<i>Article 17 – Right of access by the data subject</i>
<i>Article 18 – Right to rectification</i>
<i>Article 19 – Right to erasure (right to be forgotten)</i>
<i>Article 20 – Right to restriction of processing</i>

*Article 21 – Notification obligation regarding rectification or erasure of personal data or restriction of processing*

*Article 22 – Right to data portability*

*Article 23 – Right to object*

*Article 24 – Rights related to Automated individual decision-making, including profiling*

### 1.7.1 Privacy statement

The data subjects are informed about their rights and how to exercise them in the form of the a privacy statement attached to this record.

#### 1.7.1.1 Publication of the privacy statement

Published on website

Web location:

- ELA internal website  (URL: SharePoint on Personal Data Protection )
- External website  (URL: <https://www.ela.europa.eu/en/privacy-policy> )

Other form of publication, specify

The appointed Fire Marshalls will receive a copy of the Privacy Statement.

Guidance for Data subjects which explains how and where to consult the privacy statement is available and will be provided at the beginning of the processing operation.

#### **Description:**

Guidance on personal data subjects' rights is available on ELA main website.

### 1.8 SECURITY MEASURES

Short summary of overall Technical and Organizational Measures implemented to ensure Information Security:

#### **Description:**

All data in electronic format (e-mails, documents, uploaded batches of data etc.) are stored either on the servers of the European Labour Authority or of its contractors.

The European Labour Authority's contractors are bound by a specific contractual clause for any processing operations of personal data on behalf of the European Labour Authority, and by the confidentiality obligations deriving from the General Data Protection Regulation.

In order to protect personal data, the European Labour Authority has put in place a number of technical and organisational measures. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.