



European Labour Authority

DATA PROTECTION OFFICER

RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA

DPR-ELA-2022-0035 ELA call for papers, proposals or ideas

1 PART 1: PUBLIC - RECORD (ARTICLE 31¹)**1.1 GENERAL INFORMATION**

| | |
|---|---|
| Record reference | DPR-ELA-2022-0035 |
| Title of the processing operation | ELA call for papers, proposals or ideas |
| Controller entity | European Labour Authority, Governance and Coordination |
| Joint controllers | <input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES, fill in details below |
| Processor(s) | <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 Microsoft Ireland South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, Ireland Personal data may be communicated to an external entity assisting the Commission in fulfilling the objective for which the data is managed. 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 (EU) 2016/679. |
| Data Protection Officer Name and contact details | Laura NUNEZ BAREZ Landererova 12, 811 09 Bratislava I Slovakia Email: data-protection@ela.europa.eu |
| Corporate Record | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Language of the record | English |

¹ 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 objective of European Labour Authority (“ELA” or “the Authority”) is to contribute to ensuring fair and effective Labour Mobility across the European Union. With its mandate, ELA promotes sharing and disseminating good practices between the Member States, and strives to improve the availability, quality, accessibility and user-friendliness of information regarding rights and obligations offered to individuals, employers and social partner organisations.

ELA shall also encourage the use of innovative approaches to effective and efficient cross-border cooperation, and shall promote the potential use of digital tools to facilitate the access to data and detection of fraud. For this purpose different calls for proposals, papers or ideas may be organized.

In these cases, data is collected and managed by the European Labour Authority (ELA) to evaluate the content of proposals/papers/ideas submitted during the call with a view to awarding the most relevant solutions by publishing a summary of the submitted solutions on its website.

1.2.2 Processing for further purposes

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

Safeguards in place to ensure data minimisation

- Pseudonymisation
- Any other, specify

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

Data will be collected through a specific webform on EUSurvey.

EUSurvey is a tool covered by the European Commission, Directorate-General Informatics (DIGIT) by record “DPR-EC-01488: EUSurvey”

2. Manual processing
 - a. Word documents
 - b. Excel sheet
 - c. Any other, specify
3. Any other mode, specify

Description

ELA will establish an evaluation committee consisting of senior representatives from each operational area.

1.2.4 Storage medium

1. Paper
2. Electronic
 - a. Digital (MS documents (Word, excel, Powerpoint), Adobe pdf, Audiovisual/multimedia assets, Image files (.JPEG, .PNG, etc.))

- b. Databases
 - c. Servers
 - d. Cloud
3. External contractor premises

Description:

ELA staff are provided with the MS O365 Office products to be able to access work documents from different devices and locations, and to carry out ELA's tasks.

1.2.5 Comments on the processing of the data

ELA will select up to thirty (30) most relevant innovative digital solutions to be presented to the National Authorities of the EU Member States responsible for activities under the scope of ELA mandate (such as labour inspectorates, social security institutions, public employment services, etc.) at a dedicated event. ELA will also award of up to ten (10) most relevant solutions by publishing a summary of the submitted solutions on its website.

All the submission process will be conducted in English and the submitted proposals are expected to be written or spoken in English.

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

| | |
|-----------------------------|---|
| 1. Internal to organisation | Members of the evaluation committee |
| 2. External to organisation | Citizens voluntary applying for a specific call |

1.3.2 Data categories/fields**Identification data of the participants:**

Name, surname, organisation, position, telephone number, e-mail address, short biography.

Data related to the proposal:

The Authority will accept submission in form of a document explaining and presenting the solutions. In addition to the main document, abstract, description of the tool/idea, additional materials can be provided such as videos, audios, PowerPoint's presentations or demos of solutions.

Names of authors of scientific publications or reports. Further personal data of the authors mentioned in the publications or reports (such as affiliation, contact details) mentioned in the report in the acknowledgement or citations sections, in line with established practices for scientific publications and reports.

Some of these data may be published on ELA websites, such as names, organization, abstract of the tool proposed. A specific consent will be gathered from the authors/data subjects.

Identification data of the evaluation committee:

Name, Surname, organization, contact details (e-mail, telephone number), function/position, brief description/biography.

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.

N/A

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 defense 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 of the participants | Maximum of 4 years after the data subject gave his/her consent. After this period, a new consent will be gathered. If no consent is granted, personal data will be deleted. | | |
| Personal data linked to scientific publications and reports cited on ELA websites | Are kept as long as the publications and reports are displayed there. | | |
| Personal data related to the evaluation committee | 1 year after the proposals are evaluated and the publication of the awarded proposals is publicly available. | | |

Description

Personal data are kept for a maximum of 4 years, starting from the date the participants submit their paper or proposal and consent, via email or specific authorization form, to publish their personal data on ELA websites. For retention after that period, a renewed declaration of consent from the data subject is required.

1.5 RECIPIENTS

| Origin of the recipients of the data | |
|--|---|
| 1. <input checked="" type="checkbox"/> Within the EU organization | Authorized staff in ELA Compliance Team Evaluation Committee |
| 2. <input checked="" type="checkbox"/> Outside the EU organization | Citizens |

| Categories of the data recipients | |
|--|--|
| 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

The information being published on the ELA websites can be accessed by any person in the world using the Internet or subscribing to Internet notification services.
Authorized staff in ELA Compliance Team and the evaluation committee will have access to all data categories.

1.6 INTERNATIONAL DATA TRANSFERS

| Transfer to third countries or international organisations of personal data | |
|--|--|
| <p>1. Transfer outside of the EU or EEA</p> <p><input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur</p> <p><input type="checkbox"/> YES,</p> | |
| Country(ies) to which the data is transferred | |
| <p>2. Transfer to international organisation(s)</p> <p><input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur</p> <p><input type="checkbox"/> Yes, specify further details about the transfer below</p> | |
| Names of the international organisations to which the data is transferred | |
| <p>3. Legal base for the data transfer</p> <p><input type="checkbox"/> Transfer on the basis of the European Commission's adequacy decision (<i>Article 47</i>)</p> <p><input type="checkbox"/> Transfer subject to appropriate safeguards (<i>Article 48.2 and .3</i>), specify:</p> <p>2. (a) <input type="checkbox"/> A legally binding and enforceable instrument between public authorities or bodies.</p> <p>Standard data protection clauses, adopted by</p> <p>(b) <input type="checkbox"/> the Commission, or</p> <p>(c) <input type="checkbox"/> the European Data Protection Supervisor and approved by the Commission, pursuant to the examination procedure referred to in Article 96(2) .</p> <p>(d) <input type="checkbox"/> Binding corporate rules, <input type="checkbox"/> Codes of conduct , <input type="checkbox"/> 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.</p> <p>3. Subject to the authorisation from the European Data Protection Supervisor:</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> Administrative arrangements between public authorities or bodies which include enforceable and effective data subject rights.</p> <p><input type="checkbox"/> Transfer based on an international agreement (<i>Article 49</i>), specify</p> | |
| <p>4. Derogations for specific situations (<i>Article 50.1 (a) –(g)</i>)</p> <p><input checked="" type="checkbox"/> N /A</p> <p><input type="checkbox"/> Yes, derogation(s) for specific situations in accordance with article 50.1 (a) –(g) apply (ies).</p> <p>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):</p> <p>(a) <input type="checkbox"/> 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</p> <p>(b) <input type="checkbox"/> 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</p> <p>(c) <input type="checkbox"/> 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</p> | |

- (d) The transfer is necessary for important reasons of public interest
- (e) The transfer is necessary for the establishment, exercise or defense 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

Description

The information being published on the ELA websites can be accessed by any person in the world using the Internet or subscribing to Internet notification services.

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> |
| <i>Article 21 – Notification obligation regarding rectification or erasure of personal data or restriction of processing</i> |
| <i>Article 22 – Right to data portability</i> |
| <i>Article 23 – Right to object</i> |
| <i>Article 24 – Rights related to Automated individual decision-making, including profiling</i> |

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.

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

Privacy Statement will be attached to the call.

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:

Guide on data subject's rights 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.