

## PROTECTION OF YOUR PERSONAL DATA

**This privacy statement provides information about the processing and the protection of your personal data.**

**Processing operation:** Microsoft365 Copilot at ELA

**Data Controller:** European Labour Authority, Resources Unit (ELA Resources Unit)

**Record reference:** DPR-ELA-2023-0030

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## **1. Introduction**

The European Labour Authority (hereafter 'ELA') is committed to protect your personal data and to respect your privacy. ELA collects and further processes personal data pursuant to [Regulation \(EU\) 2018/1725](#) of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

The information in relation to processing operation 'Microsoft365 Copilot at ELA' undertaken by is presented below.

## **2. Why and how do we process your personal data?**

Purpose of the processing operation: The ELA Resources Unit collects and uses your personal information to provide ELA staff access to M365 Copilot to support their daily tasks. In practice, Microsoft Copilot will provide real-time intelligent assistance, enabling ELA users to enhance their creativity, productivity, and skills.

Microsoft Copilot for Microsoft 365 is the Artificial Intelligence (AI) assistant from Microsoft, in Microsoft 365 apps like Word, Excel, and Teams, offered to Microsoft 365 Enterprise E5 business and enterprise subscribers as a premium add-on. In sum, Copilot is a set of generative AI tools that users can use inside of mini Microsoft applications.

Copilot for Microsoft 365 uses a combination of large language models (LLMs), a type of artificial intelligence (AI) algorithm that uses deep learning techniques and vast data sets to understand, summarize, predict, and generate content.

Copilot licenses are set up and assigned by the ELA Resources Unit as Microsoft Administrator for the European Labour Authority and in particular, Copilot inherits the security, compliance, and privacy policies that the European Labour Authority, Resources Unit, Informatics Sector have set up in Microsoft 365.

Your personal data will not be used for an automated decision-making including profiling.

## **3. On what legal ground(s) do we process your personal data**

We process your personal data, because, according to Article 5(1) of Regulation(EU) 2018/1715:

(a) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body;

(b) processing is necessary for compliance with a legal obligation to which the controller is subject.

Legal basis:

- Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority.

This process of personal data is necessary for the proper management and functioning of the Authority.

We don't process **special categories of personal data**, therefore Article 10 of the Regulation does not apply. As explained in detail in the record, special categories of data will be out of the scope of Microsoft Copilot as they will be marked as 'sensitive non classified encrypted' or 'DKE' according to ELA MB Decision 4/2024 for handling sensitive-non-classified information.

#### 4. Which personal data do we collect and further process?

In order to carry out this processing operation, the ELA Resources Unit collects the following categories of personal data:

##### **ELA Staff:**

- Entra ID: username and password used to authenticate the user and validate the license eligibility.
- Personal data contained in the Microsoft Graph (user's context and content such as emails, files, meetings, chats, calendars and contacts). Only data that each user has existing access to, based on, access controls.

**The information saved in the users' computer is outside the scope of Microsoft Copilot.**

- User interactions with Copilot, including prompt and responses, for monitoring purposes to comply with the terms of use of the several LLM models;
- Optionally, feedback sent by users related to the way they use the system for their work and their experience with it including success cases, failures, hallucinations or biases, etc.).

##### **External (Partner contacts, External contractors and citizens)**

'Partner contacts' are all staff of European institutions and bodies, members of the ELA Management Board and Stakeholder Groups and Working Groups.

'External contractors'

'Citizens'

Categories of data (mainly related to e-mails, events or procurement):

**Partner contacts:** Name, Surname, Role/Position, Institution, Unit, Email messages (subject, date, documents attached and recipients). In particular, this process is covered by the Records:

- '[DPR-ELA-2022-0011 Email system at the European Labour Authority \(ELA\)](#)'
- '[DPR-ELA-2022-0051 ELA Organisation and management of ELA Management Board meetings](#)',
- '[DPR-ELA-2022-0052 ELA Organisation, management and activities of ELA Stakeholder Group](#)'.

**External contractors:** in addition to the ones mentioned in the previous categories, financial data and information for the evaluation of selection criteria or eligibility criteria. In particular, this process is covered by Record "[DPR-ELA-2022-0003 Managing award procedures for procurement and the execution of contracts](#)".

**Citizens:** Name, Surname, Contact details (address, email, telephone), company/organisation, role/position. In particular, this process is covered by the Records:

- '[DPR-ELA-2022-0023 ELA live, hybrid and digital events, seminars, workshops, conferences, meetings, open/celebration/information days and visits](#)',
- '[DPR-ELA-2022-0024 ELA Contact lists & network partners databases](#)'
- '[DPR-ELA-2022-0006 External complaints in the field of European labour mobility](#)'

- [‘DPR-ELA-2022-004: Monitoring, investigative, auditing and consultative activities of ELA Data Protection Officer’](#).

The provision of personal data is mandatory to meet a statutory obligation as we need it in order to ensure the proper management and functioning of the Authority. If you do not provide your personal data, we will not be able to perform our tasks and fulfil our mandate.

We have obtained your personal data from different sources. Each process of personal data is defined in a Record and in each it is explained the source of the data. Please see the Register of personal data processes in the European Labour Authority [here](#).

### **5. How long do we keep your personal data?**

The ELA Resources Unit only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for:

<b>Data category</b>	<b>Retention period</b>
ELA Staff data	<i>Identification data is stored for as long as the user account is active. For Office 365, data will be retained for as long as there is a contractual relation with M365 Office. Once a contract expires, information is retained for 90 days for the purposes of collection or possible renewal. After this period, information is deleted. At all times during the term of the customer's subscription, the customer will have the ability to access, extract, and delete Customer Data stored in the service.</i>
Content data	<i>Up to 180 days upon expiration/termination of the subscription</i>
Data related to partner contacts	<i>As referred in the concerned records, 6 months after the deletion of the user or 6 weeks after the departure of the user (e-mail system),</i>
Data related to external contractors	<i>As declared in the concerned record, 5 years for unsuccessful tenderers, unsuccessful candidates, candidates to a Call for Expressions of Interest or 10 years for successful tenderer.</i>
Data related to citizens	<i>As declared in the concerned records, 3 years (external complaints), 5 years (activities related to the Data Protection Officer) as long as the data subject collaborates with ELA in his/her position based on the relevant appointment or contract (contact lists) or as long as ELA continues to work in support of labour mobility and social security systems, or until the data subject requests to be deleted from the list (contact list).</i>

### **6. How do we protect and safeguard your personal data?**

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

ELA’s contractors are bound by a specific contractual clause for any processing operations of your data on behalf of ELA, and by the confidentiality obligations deriving directly from the General Data Protection Regulation in the EU Member States ([‘GDPR’ Regulation \(EU\) 2016/679](#).)

In order to protect your personal data, ELA has put in place a number of technical and organisational measures in place. 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.

### 7. Who has access to your personal data and to whom is it disclosed?

Access to your personal data is provided to ELA staff responsible for carrying out this processing operation and to authorised staff according to the “need to know” principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

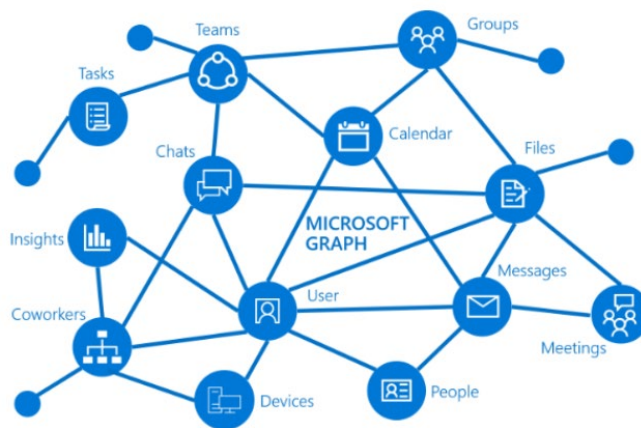
According to the Copilot commercial data protection, user and business data is protected and will not leak outside the organization. M365 guarantees:

- that chat data is not saved,
- Microsoft has no eyes-on access to it, and
- it is not used to train the models.

Copilot uses language models which are capable of parsing text to translate user own words about what they're looking for. And it is connected with the **Microsoft Graph**, so Copilot can use data in user calendar, emails, chats, documents, and more to give personalized responses.

Microsoft Graph is the gateway to data and intelligence in Microsoft 365. It provides a unified programmability model that users can use to access the tremendous amount of data in Microsoft 365, Windows, and Enterprise Mobility + Security.

It includes information about the relationships between users, activities, and ELA’s data. The Microsoft Graph API brings more context from customer signals into the prompt, such as information from emails, chats, documents, and meetings.



*Copilot only lets users see documents that they already have permission to view.*

*Please note that pursuant to Article 3(13) of the Regulation, public authorities (e.g. Court of Auditors, EU Court of Justice) which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients. The processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.*

## **8. What are your rights and how can you exercise them?**

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing, and the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a) on grounds relating to your particular situation.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

## **9. Contact information**

### **- The Data Controller**

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller:

[ithelpdesk@ela.europa.eu](mailto:ithelpdesk@ela.europa.eu)

### **- The Data Protection Officer (DPO) of ELA**

You may contact the Data Protection Officer ([data-protection@ela.europa.eu](mailto:data-protection@ela.europa.eu)) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

### **- The European Data Protection Supervisor (EDPS)**

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

## **10. Where to find more detailed information?**

ELA Data Protection Officer (DPO) publishes the register of all processing operations on personal data by ELA, which have been documented and notified to him. You may access the register via the following link: <https://www.ela.europa.eu/en/privacy-policy>.

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR-ELA-2023-0030 Microsoft365 Copilot at ELA.