

## PROTECTION OF YOUR PERSONAL DATA

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

**Processing operation:** Monitoring, investigative, auditing and consultative activities of ELA Data Protection Officer

**Data Controller:** European Labour Authority, Data Protection Officer (ELA DPO)

**Record reference:** DPR-ELA-2022-004

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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 "*Monitoring, investigative, auditing and consultative activities of ELA Data Protection Officer*" undertaken by European Labour Authority, Data Protection Officer (ELA DPO) is presented below.

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

Purpose of the processing operation: ELA DPO collects and uses your personal information to fulfil obligations according to Article 45 of Regulation (EU) 2018/1725.

Following this Article, ELA DPO collects and further processes personal data where strictly necessary for the following monitoring, investigative, auditing and consultative activities:

a) to inform and advise the controller or the processor and the employees who carry out processing of their obligations pursuant to this Regulation and to other Union data protection provisions;

(b) to ensure in an independent manner the internal application of this Regulation; to monitor compliance with this Regulation, with other applicable Union law containing data protection provisions and with the policies of the controller or processor in relation to the protection of personal data, including the assignment of responsibilities, the raising of awareness and training of staff involved in processing operations, and the related audits;

(c) to ensure that data subjects are informed of their rights and obligations pursuant to this Regulation;

(d) to provide advice when requested as regards the necessity for a notification or a communication of a personal data breach pursuant to Articles 34 and 35;

(e) to provide advice when requested as regards the data protection impact assessment and monitor its performance pursuant to Article 39 and to consult the European Data Protection Supervisor (EDPS) in case of doubt as to the need for a data protection impact assessment;

(f) to provide advice when requested as regards the need for prior consultation of the EDPS pursuant to Article 40;

(g) to consult the EDPS in case of doubt as to the need for a prior consultation;

(h) to respond to requests from the EDPS; within the sphere of his or her competence, to cooperate and consult with the EDPS at the latter's request or on his or her own initiative;

(i) to ensure that the rights and freedoms of data subjects are not adversely affected by processing operations.

Your personal data will not be used for 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)(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.

#### Legal basis:

The tasks of any Data Protection Officer in a European Institution and body are laid down in Articles 44 and 45 of Regulation (EU) 2018/1725.

We do not process **special categories of personal data**, Article 10 of the Regulation does not apply.

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

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

Any personal data of any individuals, whose personal data are processed by the European Labour Authority or its processors, might potentially be the subject of monitoring, investigative, auditing or consultative activities of ELA DPO.

In particular:

- Name and function;
- Contact details (e-mail address, telephone number, postal address, company and department, country of residence, etc.);
- A copy of an identity document of applicants (where relevant);
- Case involvement data;
- Audio-recording (for training);
- Any other types of personal data specific to the processing operation that ELA DPO monitors, investigates, audits or is being consulted upon.

ELA DPO obtains personal data:

- **directly from the data subjects** where they exercise their rights under Regulation (EU) 2018/1725, consult the DPO or request that he carry out monitoring, investigations or audits;
- **from other natural and legal persons** where they consult the DPO or request that he carry out monitoring, investigations or audits;
- from the **European Data Protection Supervisor** in relation to the complaints transmitted or inspections launched by the EdPS.

ELA DPO does not collect special categories of personal data under Articles 10 and 11 of Regulation (EU) 2018/1725. However, any personal data, processed by ELA or its processors (including sensitive categories of personal data), might potentially be communicated to ELA DPO for the purpose of his monitoring, investigative, auditing or consultative activities.

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

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

- Personal data related to general consultations on personal data protection will be anonymized **10 years** after of its creation. This period is needed in order to better follow up the evolution of the consultations in the organization and to be able to provide harmonized application of the Regulation (EU) 2018/1725.
- The files related to rights of data subjects may be kept for **5 years** after the closure of the procedure in order to be able to set up a comparison of previous decisions and to allow a harmonised application of the Regulation on personal data protection.
- Personal data related to consultations to EDPS will be kept for **5 years** after the last communication with the EDPS.
- Personal data related to internal trainings will be kept for **1 year**. Trainings are performed yearly, therefore once the new audio-recording is available, the previous one will be deleted.

## **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.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

## **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:

[data-protection@ela.europa.eu](mailto:data-protection@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 any other issue 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 her.

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR-ELA-2022-004: Monitoring, investigative, auditing and consultative activities of ELA Data Protection Officer.