

PROTECTION OF YOUR PERSONAL DATA

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

Processing operation: External complaints in the field of European labour mobility

Data Controller: European Labour Authority, Executive Director's Office, Compliance team (ELA Compliance team)

Record reference: DPR-ELA-2022-0006

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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 "External complaints in the field of European labour mobility" undertaken by European Labour Authority, Executive Director's Office, Compliance team (ELA Compliance team) is presented below.

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

Purpose of the processing operation: External complaints in the field of European labour mobility collects and uses your personal information to ELA Compliance Team.

In order to support these activities, ELA is also bound by its Code of Good Administrative Behaviour adopted by the ELA Management Board in March 2022. Therefore, the ELA Compliance team shall handle any complaints received directly from citizens, and register the incoming information into the External Complaints Registry, with a registration number, and a reference to the responsible staff and relevant National Liaison Officer(NLO). In addition, Article 9(9) of the above mentioned Regulation also establishes that if the Authority becomes aware of suspected irregularities in the application of Union law, it may report those suspected irregularities to the Member State concerned and to the Commission.

Following an initial assessment, the responsible staff member shall draft a reply letter and, if relevant and appropriate, send it to the relevant NLO for their comments or any, additional information. If relevant and within ELA's remit and mandate, NLOs may decide to contact their national authorities for further information related to the actual complaint.

In case ELA received the external complaint in any of the EU MS official languages, the compliance team will request the relevant NLO to provide translation support.

The responsible staff shall send the reply to the external citizen. The reply letter shall mention the registration number of the External complaint.

The ELA Compliance team will also handle:

- any formal complaints submitted against the European Labour Authority and its staff;
- any fraud or suspicion of fraudulent activities reported by the European Labour Authority or its staff according to specific approved procedure in place.

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)(a) of Regulation(EU) 2018/1725, the 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:

- Article 7 of Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority
- Code of Good Administrative Behaviour adopted by the ELA Management Board in March 2022

We may process **special categories of personal data**, Article 10 of the Regulation applies. We may process health data or trade union membership, according to Article 10(1)(a) of Regulation (EU) 2018/1725, if you have given explicit consent to the processing of those personal data for one or more specified purposes, except where Union law provides that the prohibition referred to in paragraph 1 may not be lifted by the data subject.

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

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

- Content of the query/complaint submitted to ELA Compliance Team received by e-mail:
- Name and Surname
- Address
- ID number, copy of ID or passport
- Social security number
- Nationality
- Complaint/request concerning a specific situation that can possibly include: social security entitlements such as insurance periods, employers, medical data or family status.

In some cases, we may receive special categories of data: health data or trade union membership.

5. How long do we keep your personal data?

ELA Compliance Team only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for **3 years**. After this period, the data will be anonymised and kept for statistical purposes.

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.

ELA Compliance team will have access to all data sent by the data subject and share when necessary with NLO for their comments or any, additional information.

If relevant and appropriate, NLOs, as designated contact point, may decide to contact their national authorities for further information related to the actual complaint. Only necessary data to identify the complaint will be shared, on a need to know basis.

The Head of Sector of Cooperation and NLOs Office shall be copied in all correspondence with the NLO(s) for his/her possible input to the complaint.

The Head of Unit of Enforcement and Analysis shall be informed whenever the complaint includes cross-border elements (i.e. the situation reported involves two or more Member States and is related to EU labour mobility). In such cases, when special categories of personal data are present, they will be removed, when not needed for the follow up. In case special categories of data are included, and needed for an appropriate follow up, an explicit consent will be requested as per Article 10(2)(a) of Regulation (EU) 2018/1725.

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.

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:

compliance@ela.europa.eu.

- The Data Protection Officer (DPO) of ELA

You may contact the Data Protection Officer (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) 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-2022-0006 External complaints in the field of European labour mobility