

PROTECTION OF YOUR PERSONAL DATA

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

Processing operation: Management of personal files of ELA staff (SYSPER)

Data Controller: Resources Unit, HR Sector

Record reference: DPR-ELA-2022-0034

Table of Contents

1. Introduction
2. Why and how do we process your personal data?
3. On what legal ground(s) do we process your personal data?
4. Which personal data do we collect and further process?
5. How long do we keep your personal data?
6. How do we protect and safeguard your personal data?
7. Who has access to your personal data and to whom is it disclosed?
8. What are your rights and how can you exercise them?
9. Contact information
10. Where to find more detailed information?

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 "*Management of personal files of ELA staff (SYSPER)*", undertaken by Resources Unit, HR Sector is presented below.

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

Purpose of the processing operation: Resources Unit, HR Sector collects and uses your personal information in the context of NDP ("*Numérisation des Dossiers Personnels*") / personal files, in order to make them accessible to the staff members as well as to file managers to settle the rights of the staff members.

The HR Sector, manages the individual personal files of staff covered by the Staff Regulations. In order to facilitate the digital management of personal files in general, ELA is going to use the NDP – Personal Files Module under SYSPER provided by the European Commission, DG HR as System owner and supported by DG DIGIT as system supplier.

Sysper is covered by the record of the European Commission "**DPR-EC-01850 – Management of personal files**" and "**DPR-EC-01847 on transfer of the individual personal file of officials, temporary and contract staff between the Commission and other institutions or bodies of the EU**".

The individual personal file contains all the documents representing all the decisions taken by the institution with regard to a staff member or a former staff member, their relatives and the fundamental external documents transmitted by the staff member at the time of recruitment and during their career.

The NDP-personal files allows the ELA HR Sector to create files, allows for the digitalization and uploading of documents, the printing of a whole file or part of it, the moving of a document within a file following an indexing error or to another file, the deletion of documents, the creation and granting of access rights to file managers. However, it does not allow any profiling or statistical analysis in relation to personal data.

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) 2018/1725:

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

Legal basis:

Article 26 of the Staff Regulations (applicable by analogy to temporary and contract staff under Articles 11 and 81 of the Conditions of Employment of Other Servants of the European Union)

We process **special categories of personal data**, therefore Article 10 of the Regulation applies.

The personal file of the staff member contains the following documents which may contain some personal data falling under the special categories of personal data (Article 10 (1) of the Regulation):

- Medical fitness (which might indirectly reveal data concerning the health of the staff member),
- Marriage or legal cohabitant certificate (which may indirectly reveal data concerning natural person's sexual orientation),
- Birth certificate and children certificate (which may indirectly reveal data concerning racial or ethnic origin),
- Request and decision taken upon Art. 15 SR (which may indirectly reveal data concerning political opinion or orientation),
- Request and decision taken upon Art. 12b - 16 SR on activities may contain information related to personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership
- Decision on invalidity (which by nature reveals data concerning health of the staff member)
- Copy of passport or ID containing some biometrical data or information regarding religious beliefs of the staff member (which may indirectly reveal racial or ethnic origin and, biometric data).

In particular, the process is lawful because, according to Article 10(2):

(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[...],

(f) 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 [...],

(h) pprocessing 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 [...].

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

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

The individual personal file contains all the documents representing all the decisions taken by the institution with regard to a staff member or a former staff member, their relatives and the fundamental external documents transmitted by the staff member at the time of recruitment and during their career.

The types of data collected and processed are listed in three subfolders which are grouped as follows:

Administrative file (application file, acts during the career):

- Study certificates: copies of the diploma(s) attesting a successful completion of the required level of education and of any other diplomas obtained; documents proving third language; courses/languages/training certificate
- Employment certificates: evidence of the candidate's professional experience clearly indicating starting and finishing dates and the nature of the duties carried out (e.g. employment contracts, employers' references, pay slips)
- Recruitment files (correspondence: Offer letter, letter of acceptance; Vacancy notice, Job description)
- Medical fitness (certificate)
- Personal information sheet;
- Address and Person to inform;
- Pension rights;
- Control Documents on End of service/Transfer (Leaving form - transfer/Termination/CCP);

Assessment file

- Determination of professional experience, grading
- Contract: Contract of Employment, Contract decision, visa, routing slip, acknowledgement of receipt
- Appointment: decision, visa (routing slip), acknowledgement of receipt
- Interinstitutional transfer decisions
- Amendments and Extensions of Contract: Contract renewal, decision (incl. mobility inside the agency), visa (routing slip), acknowledgement of receipt, Statement.
- Report on the Probationer/Extensions (Report on the Probationary Period + objectives)
- Establishment Decision: decision, visa (routing slip) acknowledgement of receipt
- Reinstatement following invalidity: decision, acknowledgement of receipt
- Career development:

- Promotions: decision, visa, routing slip, acknowledgement of receipt, miscellaneous
- Advancement to the next step in grade (Change in admin career, decision, routing slip, acknowledgement of receipt, miscellaneous)
- Decisions on Taking Up Appointment, Transfers (art.29)
- Change of Category and Regrading Decisions / Attestation / Certification (Reclassification e-mail, reclassification decision, routing slip, acknowledgment of receipt; attestation/certification decision, routing slip, acknowledgment of receipt)
- Secondment
- Change of Place of Employment (art.7) (Reassignment, Letter of assignment; decision, routing slip, acknowledgement of receipt)
- Leave on Personal Grounds (LPG) (LPG: Agreement/Renewal/Reinstatement (incl. Leave without remuneration), JSIS Cover (LPG), Pension Cover (LPG)
- Special leaves (maternity or foster leave, breastfeeding leave)
- Work patterns: Part Time Activity, Parental and Family Leave, teleworking
- Termination Carrer/Employment/Resignation/Invalidity
- Acknowledgement of Receipt miscellaneous
- Additional work, external work and gifts: Outside activities, Conflict of Interest declaration

- Allowances position: Allowances(i.e.: allowances for shiftwork/stand by duty allowances), overtime flat fee
- Complaints (on Administrative Matters): Administrative Complaints, Decision by the Authority,
Acknowledgement of receipt.
- Miscellaneous (Administration File): Training application, Certificate of employment, On-boarding checklist, letter of appreciation.

Private file (personal and family documents)

- Personal and family documents: Birth certificates, Nationality/Identity card/Passport; Change of name/first name, residence certificates (MFA card), Criminal record, Military Service, Certificate/Civil Service, Marriage certificate, Birth certificate of the children, adoption/recognition of a child/child under guardianship; members of the household, death certificate, divorce/separation/custody, life community certificate/Partnership, civil status certificate, driving license
- Bank information/Legal entity (LEF, BAF)
- Entry into service: Note for the File (Checklist Ex Ante), acknowledgement of receipt/Declaration
- Rights and Obligations, Establishment of rights (financial), Settlement of individual entitlements, PMO declaration forms, JSIS confidential declaration form, declaration of arrival.

The provision of personal data is mandatory to meet a *legal* requirement *Staff Regulation*.

5. How long do we keep your personal data?

The Resources Unit, HR Sector only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing.

- **Individual personal file:** The personal data stored in the personal files (in paper and electronic form) will be retained for a period of 10 years as of the termination of employment or as of the last pension payment.
- **Personal file stored in NPD information:** at least 100 years after the recruitment of the person concerned and 8 years after the termination of the rights of the beneficiaries concerned.

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.

All processing operations are carried out pursuant to the [Commission Decision \(EU, Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

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.

Only staff members working in the ELA HR Sector can access to the personal file office (ad-hoc and limited access). As processor also authorised staff from the European Commission HR, PMO or DG DIGIT might have access to perform their tasks of support ELA HR Sector.

Exceptionally and if necessary, information concerning the management of personal files may be disclosed to external lawyers (advocates) subject to the GDPR for specific and limited purposes only. In this case a written contract (service contract) is signed between the ELA and the external lawyer in order to ensure that Article 29 of the Data Protection Regulation of the EU institutions is respected by the data processor. These written contracts follow the model of the Commission and include a specific clauses on personal data protection.

Staff in active employment can freely consult their personal file in a secure manner via SYSPER application due to the computerization of the personal file via NDP application (Numérisation des Dossiers Personnels). In case of transfer to another EU institution/agency/body, staff member in charge of personal files in this EU institution/agency will receive access to the personal data of data subjects in the event that the personal file has been transferred.

For retired staff or staff who have ceased in their functions, the consultation of the personal file can still be done. Upon request, in case of non-active staff, the ELA HR Sector can send a copy of personal file zipped and password protected by email or an USB key encrypted and password protected via a delivery service.

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 further 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, hr@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-2022-0034 Management of personal files of ELA staff (SYSPER).