

## **PROTECTION OF YOUR PERSONAL DATA**

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

**Processing operation:** Register of personal data breaches in the European Labour Authority

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

**Record reference:** DPR- ELA-2022-0001

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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 "Register of personal data breaches in the European Labour Authority" undertaken by the 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

- monitor and help ensure compliance of European Labour Authority with Regulation (EU) 2018/1725 in the event of personal data breaches;
- manage a Register of personal data breaches, where the European Labour Authority, as controller, documents personal data breaches (by comprising the facts relating to the personal data breaches, their effects and the remedial actions taken); and
- respond to the requests of the European Data Protection Supervisor concerning personal data breaches in the European Labour Authority.

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, and
- Article 5(1)(b) of Regulation (EU) 2018/1725, the processing is necessary for compliance with a legal obligation to which the controller is subject.

**Legal basis:**

Article 34, 35 and 45 of Regulation (EU) 2018/1725.

We do not process **special categories of personal data**, therefore 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:

- Contact details of the Controllers and delegates controllers of The European Labour Authority units/sectors involved in a personal data breach;
- Contact details of European Labour Authority staff who inform the Data Protection Officer of a personal data breach, and/or are involved in managing the personal data breach;
- Contact details of any other individual who informs the Data Protection Officer of a personal data breach;
- Contact details of the responsible staff of the European Labour Authority's processor (if relevant) who inform the Data Protection Officer of a personal data breach, and/or are involved in managing the personal data breach;
- Contact details of the staff of the European Data Protection Supervisor ('EDPS') who request the cooperation of the Data Protection Officer when they are verifying the European Labour Authority's compliance with Regulation (EU) 2018/1725 as regards personal data breaches.
- Other contact details of staff who were involved in the incident.
- Personal information of the individuals who were affected by the breach.

The provision of the above-mentioned personal data is necessary for the efficient monitoring by the Data Protection Officer and supervision of compliance by the EDPS.

The Data Protection Officer does not collect special categories of personal data under Articles 10 and 11 of Regulation (EU) 2018/1725. However, any personal data, processed by the European Labour Authority or its processors (including special categories of personal data), might potentially be communicated to the Data Protection Officer for the purpose of managing a particular personal data breach.

The European Labour Authority units/sectors are advised not to transmit to the Data Protection Officer any personal data of the individuals who were affected by a specific personal data breach. However, in certain cases it might be necessary that the Data Protection Officer process some personal data of those individuals in order to advise them on how to ensure compliance with Regulation (EU) 2018/1725 when managing a particular personal data breach.

The Data Protection Officer obtains the above-mentioned personal data from the European Labour Authority staff and other individuals who inform her of a personal data breach or request her assistance in the management of that personal data breach

#### **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 5 years after closure of the case. We may keep it for longer if circumstances such investigations, appeals are ongoing at the planned expiration date.

#### **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 DPO and the European Data Protection Supervisor have access to the documentation of all cases of personal data breaches of which the Data Protection Officer was informed. Other European Labour Authority authorised staff have access to limited sets of personal data in accordance with the “need to know” principle

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 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. You may access the register via the following link:

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR- ELA-2022-0001: Register of personal data breaches in the European Labour Authority.