

## PROTECTION OF YOUR PERSONAL DATA

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

**Processing operation:** ELA mediation activities

**Data Controller:** European Labour Authority, Cooperation Support Unit, Mediation team (ELA Mediation Team)

**Record reference:** DPR-ELA-2022-0014

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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" ELA mediation activities" undertaken by European Labour Authority, Cooperation Support Unit, Mediation team (ELA Mediation Team) is presented below.

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

Purpose of the processing operation: ELA Mediation Team collects and uses your personal information to perform its mediation role.

Following Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, the European Labour Authority (ELA) has a mediation role. Member States should be able to refer disputed individual cases to ELA after failing to solve them by means of direct contact and dialogue.

Mediation will only concern disputes between Member States submitted to ELA on voluntary basis.

This process aims to cover all the processing operations performed by ELA in this mediator role:

- Management of ELA Mediators (e.g. nomination, distribution of cases, specific training)
- Management of the ELA Working Group on mediation
- Mediation procedures before ELA
  - Initiative from Member States
  - Initiative from ELA
  - Initiative from SOLVIT (SOLVIT is a free charge and mainly online service provided by the national administration in each EU country and in Iceland, Liechtenstein and Norway.)

### Purposes:

- The objective of ELA is to contribute towards ensuring fair labour mobility across the Union and assist Member States and the European Commission in the coordination of social security systems. To that end, ELA should mediate and facilitate a solution in the case of disputes between Member States regarding individual cases of application of Union law in areas covered by Regulation (EU) 2019/1149 establishing a European Labour Authority.
- To put in place an effective mediation procedure that provides for a structured process to reconcile the divergent points of view between the Member States

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:

- Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority (foundation Regulation)
- Decision No 17/2021 of 10 November 2021 of the Management Board on the Rules of Procedure for mediation of the European Labour Authority

ELA has been established in order to help strengthen fairness and trust in the internal market. The objective of the Authority is to contribute towards ensuring fair labour mobility across the Union and assist Member States and the Commission in the coordination of social security systems. To that end, the Authority should mediate and facilitate a solution in the case of disputes between Member States regarding individual cases of application of Union law in areas covered by the founding Regulation.

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

- Trade union membership could be collected concerning the processes of management of ELA mediators and/or ELA Working Group on mediation.  
In this case, we process special categories of personal data because, according to Article 10(2)(a) of Regulation (EU)2018/1725, you have given explicit consent to the processing of those personal data for one or more specified purposes.
- Data concerning health could be exchanged if relevant for a specific dispute  
In this case, we process special categories of personal data because, according to Article 10(2)(h) of Regulation (EU)2018/1725, the 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 on the basis of Union law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3.

When presenting a case for mediation, Member States shall ensure that all personal data related to that case is anonymised in such a manner that the data subject is not or no longer identifiable. The Authority shall not process the personal data of individuals concerned by the case at any point in the course of the mediation, but, if, accidentally the European Labour Authority received any personal data related to a particular case, it will be immediately destroyed. The European Labour Authority will inform and remind the Member State concerned of the unsolicited reception of personal data.

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

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

Management of ELA Mediators (e.g. nomination, distribution of cases, specific training)

Name, surname, nationality, gender, contact details (e-mail, address, telephone number), areas of expertise, current position/job, organization, main responsibilities, professional background, language skills, nomination role and appointment within the ELA Management Board, training related information, declaration of absence of conflict of interest for the particular case nominated, picture.

#### Management of the ELA Working Group on mediation

Specific events, tasks assigned, opinion and reports.

All the relevant documents, including the agenda and a summary of the deliberations of the Working Group will be published in ELA's website.

#### Mediation procedures before ELA

##### **First phase:**

Contact points from the different Member States submitting a case for mediation – the NLOs. Representatives from the Member States parties of the dispute. Letter of request, detailed statement/summary of the individual case object of discrepancy by Member States, applicable Union law.

*When presenting a case for mediation, Member States shall ensure that all personal data related to that case is anonymised in such a manner that the data subject is not or no longer identifiable. The Authority will not process the personal data of individuals concerned by the case at any point in the course of the mediation.*

Non-binding opinion adopted by ELA's mediator.

##### **Second phase:**

Contact points from the different Member States parties to the dispute – the NLOs. Representatives from the Member States parties of the dispute. Composition of the Mediation Board (Name, Surname, Nationality, Role) and Non-binding opinion. Invitation to mediate, Acceptance/Refusal letter of mediation, detailed statement.

For cases submitted through SOLVIT, reference to the SOLVIT case can be gathered (pseudonymized data). The problem descriptions, personal data of the complainants and the documents related to the case are stored in an online database managed and maintained by the European Commission and ELA Mediation Team will not have access to them.

In case of reimbursement of experts, the ELA Finance, Budget and Procurement Team will have access to Name, Surname, Financial Identification and Legal Entity (Legal Entity Form (LEF) and Bank Account File (BAF) and all information on transport and subsistence expenses. This process of personal data will be covered by Record "DPR-ELA- 2022-0003 Managing award procedures for procurement and the execution of contracts", available [here](#).

The provision of personal data is mandatory to meet a legal obligation: Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority (foundation Regulation). If you do not provide your personal data, we will not be able to perform our tasks.

We have obtained your personal data from national authorities from each Member State and/or from SOLVIT process (only SOLVIT reference case).

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

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

- Data related to the management of ELA mediators/experts of the MB: **5 years** after the persons is no longer ELA mediator/MB expert
- Data related to ELA Working Group on mediation: **5 years** after the person is no longer member of the group or the group is close down.
- Data related to mediation procedures: **5 years**, from the case submitted to ELA is solved. Personal data related to the members of the Mediation Board could be kept for historical/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.

### **Data related to the management of ELA mediators/experts MB**

will be accessible to Head of the Cooperation Support Unit and staff of the Unit on a "need to know basis", ELA Executive Director, ELA Management Board and Representatives of the Member States submitting a dispute to ELA.

### **Data related to ELA Working group on Mediation**

will be accessible to the members, Head of the Cooperation Support Unit and staff of the Unit on a "need to know basis".

All the relevant documents, including the agenda and a summary of the deliberations of the Working Group will be published in ELA's website.

### **Data related to mediation procedures**

During the first phase only the chosen mediator from Member States among ELA Mediation Team will have access to the case.

If a second phase is needed, members of the Mediation board will have access to all data.

The ELA Head of the Cooperation Support Unit and the ELA staff members working on mediation, the representatives of the Member States, the NLOs of the concerned Member States, the external experts allowed to participate in the procedure will have access to the case in both phases.

Following Cooperation Agreement with the Administrative Commission (AC) for the coordination of social security systems, if the dispute relates, fully or in part, to matters of social security, the Authority shall give due consideration to any requests by the Administrative Commission or the Member States to refer the issue concerning social security to the Administrative Commission. In these cases, detailed statements received by the Member States will be shared with the AC.

In case of reimbursement of experts, the ELA Finance, Budget and Procurement Team will have access to Name, Surname, Financial Identification and Legal Entity (Legal Entity Form (LEF) and Bank Account File (BAF) and all information on transport and subsistence expenses

The controller may transfer your personal data to Switzerland, based on an adequacy decision of the Commission for this country. (Article 47 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:

[mediation@ela.europa.eu](mailto:mediation@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-2022-0014: ELA mediation activities.