



European Labour Authority

DATA PROTECTION OFFICER

RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA

DPR-ELA-2022-0033: ELA declarations related to professional ethics

1 PART 1: PUBLIC - RECORD (ARTICLE 31¹)**1.1 GENERAL INFORMATION**

| | |
|---|---|
| Record reference | DPR-ELA-2022-0033 |
| Title of the processing operation | ELA declarations related to professional ethics |
| Controller entity | European Labour Authority, Resources Unit, Human Resources Team (HR Team) |
| Joint controllers | <input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES, fill in details below |
| Processor(s) | <input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES, fill in details below |
| External organisation(s)/entity(ies) Names and contact details | <input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES European Commission: Directorate General Human Resources and Security (DG HR) and Directorate General Informatics (DG DIGIT) European Commission 1049 Bruxelles/Brussel Belgium Microsoft Ireland South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, Ireland |
| Data Protection Officer Name and contact details | Laura NUNEZ BAREZ Landererova 12, 811 09 Bratislava I Slovakia Email: data-protection@ela.europa.eu |
| Corporate Record | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Language of the record | English |

¹ Pursuant to **article 31** of the new data protection regulation for EU institutions and bodies (**Regulation (EU) 2018/1725**) each controller and processor have to maintain a **record of processing activities** under its responsibility that contains at least the information listed under that article.

1.2 PURPOSE AND DESCRIPTION OF THE PROCESSING

1.2.1 Purpose

The European Labour Authority (ELA) aims to encourage the highest standards of administration, professional ethics, integrity and independence and identify and disclose, in a transparent and consistent manner, the handling of situations where potential conflicts of interests may arise in order to avoid any conflict between the ELA public duties and any kind of private interest of staff.

Applications for authorisation/declarations concern:

- outside activity for staff in active employment;
- professional activity during leave on personal grounds;
- the activity of staff who have left the Commission (invalidity, pension, end of contract);
- permission to receive a decoration;
- permission to keep a gift;
- the activity of the spouse;
- the publication of articles the subject matter of which relates to the activities of the Union;
- participation in an election campaign;
- conflict of interest declaration upon entry in the service;
- election to public office.

Personal data are linked to requests for authorisation/ethical statements arising from the rights and obligations of officials and other servants of the Union.

The staff member completes his/her application for authorisation/declaration by entering all the necessary information in a declaration form. Authorisation is then either granted or refused, possibly with restrictions imposed by the Appointing Authority, on the basis of information provided by the staff member and any additional information (obtained for example by internet searches concerning the nature of the outside activity) and on the basis of the opinion of line managers.

The different actors in the process are guided by a workflow leading to the Appointing Authority's decision and by explanatory information on the form.

Ethical requests are managed in the Sysper ETHICS module (external activity requests, publication declarations, conflict of interest declarations, spouse's declarations of activity).

However, other ethical requests are managed outside the ETHICS module, using paper forms (declaration of professional activity after leaving the service; declaration of gainful or unpaid occupational activity during invalidity; declaration of publication during leave on personal grounds; award of a decoration; participation in an election campaign; election to public office).

1.2.2 Processing for further purposes

- Archiving in the public interest
- Scientific or historical research purposes
- Statistical purposes

Safeguards in place to ensure data minimisation

- Pseudonymisation
- Any other, specify

1.2.3 Modes of processing

1. Automated processing (Article 24)
 - a. Computer/machine
 - i. automated individual decision-making , including profiling
 - ii. Online form/feedback
 - iii. Any other, specify

2. Manual processing
 - a. Word documents
 - b. Excel sheet
 - c. Any other, specify

The form is prepared by the applicant and registered in Ares with a specific workflow. Ares is a tool covered by the record *"DPR-EC-00536 Management and (short- and medium-term) preservation of Commission documents"*, owned by the European Commission.

Description

ELA staff are provided with the MS O365 Office products to be able to access work documents from different devices and locations, and to carry out ELA's tasks.

This process of personal data is related to the process owned by the European Commission, Directorate General Human Resources and Security (DG HR) *"DPR-EC-01846 -Demandes d'autorisation et déclarations éthiques diverses en rapport avec les droits et obligations du fonctionnaire"*

1.2.4 Storage medium

1. Paper
2. Electronic
 - a. Digital (MS documents (Word, excel, Powerpoint), Adobe pdf, Audiovisual/multimedia assets, Image files (.JPEG, .PNG, etc.))
 - b. Databases
 - c. Servers
 - d. Cloud
3. External contractor premises

Description:

Personal data in paper format is stored in operational and resources unit of the European Labour Authority.

All data in electronic format (e-mails, documents, uploaded batches of data etc.) are stored either on the servers of the European Labour Authority or of its contractors.

1.2.5 Comments on the processing of the data

ELA HR Team analyses the information collected in order to give an opinion on ethical demand. During the processing, ELA HR Team produces documents containing personal data. For each ethical request, ELA HR Team draws up an internal circulation sheet containing the main elements of the request.

Data stored in Ares or in paper form declarations may also be used for statistical or documentary purposes but only after the personal data have been anonymised.

In application of the purpose limitation principle, there can be no further processing of data in a way that would be incompatible with the original purpose of the collection.

1.3 DATA SUBJECTS AND DATA CATEGORIES

1.3.1 Data subjects' categories

| | |
|-----------------------------|------------------|
| 1. Internal to organisation | ELA staff |
| 2. External to organisation | Former ELA staff |

1.3.2 Data categories/fields

The data collected on staff members are as follows:

Identification data:

Surname, first name, administrative status, staff number, gender, unique identification number (PerId), grade and duties, telephone number, address, assignment, job description;

Data enabling the Appointing Authority to take a decision:

Depending on each declaration

Request authorisation for an outside activity in active service:

Detailed description of the proposed outside activity, nature of the post, timetable, duration, financial link with the European Labour Authority, links to the duties performed at the European Labour Authority, type of leave used to cover the absence, financial arrangements;

Request authorisation for an outside activity during leave on personal grounds/after leaving the service:

Detailed description of the proposed outside activity, nature of the post, timetable, duration, financial link with the Commission, links to the duties performed within the European Labour Authority;

Declaration of employment of spouse:

A detailed description of the spouse's post, nature of the post, timetable, duration, financial link with the European Labour Authority, links with the duties carried out at the European Labour Authority;

Declaration of conflict of interest:

Description of the nature of the conflict of interest and details of the situation indicating a potential conflict of interest;

Election to public offices:

Nature of duties, duration, hours, remuneration, compatibility with duties at the European Labour Authority;

Statement of publication:

Title, subject, publisher, date of publication, content of the article intended to be published;

Gifts and hospitality:

Description and origin of the gift, estimate of its value, justification; nature and amount of hospitality, context, possible direct or indirect link with the duties of the staff member;

Opinions and approvals at the various hierarchical levels, decision of the Appointing Authority.

In application of the principle of data minimisation, ELA HR Team limits the collection of personal data to what is directly relevant and necessary for the purpose of the processing.

1.3.2.1 Special categories of personal data

Indicate if the processing operation concerns any 'special categories of data' which fall(s) under Article 10(1), which shall be prohibited unless any of the reasons under article 10(2) applies:

Yes , the processing concerns the following special category(ies):

Data revealing

- racial or ethnic origin,
- political opinions,
- religious or philosophical beliefs,
- trade union membership,

Or/and,

- Genetic data, biometric data for the purpose of uniquely identifying a natural person,
- Data concerning health,
- Data concerning a natural person's sex life or sexual orientation.

Description:

If applicable, indicate the reasons under article 10(2) allowing the processing of the special categories of data:

- (a) The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, [...].
- (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[...].
- (c) Processing is necessary to protect the vital interests of the data subject or of another person where the data subject is physically or legally incapable of giving consent.
- (d) Processing is carried out in the course of its legitimate activities with appropriate safeguards by a non-profit-seeking body which constitutes an entity integrated in a Union institution or body and with a political, philosophical, religious or trade-union aim [...].
- (e) Processing relates to personal data which are manifestly made public by the data subject.
- (f) Processing is necessary for the establishment, exercise or defense of legal claims or whenever the Court of Justice of the European Union is acting in its judicial capacity.
- (g) Processing is necessary for reasons of substantial public interest, [...]
- (h) 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 [...].
- (i) Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices [...].
- (j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes [...].

Additional information

The processing is necessary for reasons of substantial public interest, on the basis of Union law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

1.3.2.2 Data related to 'criminal convictions and offences'

| | |
|---|---|
| The data being processed contain sensitive data which fall(s) under Article 11 'criminal convictions and offences' | N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> |
| Description: | |

1.4 RETENTION PERIOD

Indicate the administrative time limit(s) for keeping the personal data per data category, and if known, specify the start/end date, or describe the specific start/end moment of each time limit:

| Data category | Retention period | Optional | |
|---|--|-----------------------------|-----------------|
| | | Start date/moment | End date/moment |
| All data categories under each specific declaration | 10 years following the termination of employment or the last pension payment | Presentation of the request | |

Description

The personal data contained to each specific declaration will be included under the personal file of the staff (File for each staff member, opened when they take up their duties and kept open until their service is finished), therefore, following ELA filing plan and specific retention list, ELA.6.5 Performance and career development > ELA.6.5.1 Personnel files, the data will be kept for 10 years following the termination of employment or the last pension payment.

1.5 RECIPIENTS

| Origin of the recipients of the data | |
|--|--|
| 1. <input checked="" type="checkbox"/> Within the EU organization | Authorised staff in ELA HR Team Line managers (Head of Unit/Team/Sector) ELA Appointing Authority |
| 2. <input checked="" type="checkbox"/> Outside the EU organization | European Commission: Directorate General Human Resources and Security (DG HR) and Directorate General Informatics (DG DIGIT) |

| Categories of the data recipients | |
|--|--|
| 1. <input checked="" type="checkbox"/> A natural or legal person | |
| 2. <input type="checkbox"/> Public authority | |
| 3. <input type="checkbox"/> Agency | |
| 4. <input type="checkbox"/> Any other third party, specify | |

Description

ELA HR Team analyses the information collected in order to give an opinion on ethical demand. For each ethical request, ELA HR Team draws up an internal circulation sheet containing the main elements of the request and line managers/authorising officer and Appointing Authority.

Since SYSPER 2 is a tool managed by the European Commission (i.e. DG HR is the system owner and parts of the tasks as subcontracted to DG DIGIT under a separate agreement, such as technical support related to the implementation and operation of SYSPER 2 modules, hosting of SYSPER 2 and other components, analysis of technical nature in relation to providing additional modules and services), there is a controller and processor relationship between the ELA and the European Commission: - Controller: the ELA - Processor: DG HR and DG DIGIT maintain the system and provide technical support, business support with relation to the system (e.g. if a specific requests that could not be solved within the ELA Local Support Team)

Authorised staff of the following EU institutions may have access to relevant personal data for audit control or investigation purposes: Court of Auditors, Internal Audit Service of the European Commission, European Anti-Fraud Office (OLAF). For the purpose of handling review procedures and litigation, access to the personal data may be granted also to the European Ombudsman, the European Data Protection Supervisor, the General Court and the European Court of Justice upon request and to the extent necessary for handling the review procedure and litigation.

1.6 INTERNATIONAL DATA TRANSFERS

| Transfer to third countries or international organisations of personal data | |
|--|--|
| 1. Transfer outside of the EU or EEA | |
| <input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur <input type="checkbox"/> YES, | |
| Country(ies) to which the data is transferred | |
| 2. Transfer to international organisation(s) | |
| <input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur <input type="checkbox"/> Yes, specify further details about the transfer below | |
| Names of the international organisations to which the data is transferred | |
| 3. Legal base for the data transfer | |
| <input type="checkbox"/> Transfer on the basis of the European Commission's adequacy decision (<i>Article 47</i>) <input type="checkbox"/> Transfer subject to appropriate safeguards (<i>Article 48.2 and .3</i>), specify: | |
| 2. (a) <input type="checkbox"/> A legally binding and enforceable instrument between public authorities or bodies. Standard data protection clauses, adopted by (b) <input type="checkbox"/> the Commission, or (c) <input type="checkbox"/> the European Data Protection Supervisor and approved by the Commission, pursuant to the examination procedure referred to in Article 96(2) . (d) <input type="checkbox"/> Binding corporate rules, <input type="checkbox"/> Codes of conduct , <input type="checkbox"/> Certification mechanism pursuant to points (b), (e) and (f) of Article 46(2) of Regulation (EU) 2016/679, where the processor is not a Union institution or body. | |
| 3. Subject to the authorisation from the European Data Protection Supervisor: | |
| <input type="checkbox"/> Contractual clauses between the controller or processor and the controller, processor or the recipient of the personal data in the third country or international organisation. <input type="checkbox"/> Administrative arrangements between public authorities or bodies which include enforceable and effective data subject rights. | |
| <input type="checkbox"/> Transfer based on an international agreement (<i>Article 49</i>), specify | |
| 4. Derogations for specific situations (<i>Article 50.1 (a) –(g)</i>) | |
| <input checked="" type="checkbox"/> N /A <input type="checkbox"/> Yes, derogation(s) for specific situations in accordance with article 50.1 (a) –(g) apply (ies). | |
| In the absence of an adequacy decision , or of appropriate safeguards, transfer of personal data to a third country or an international organisation is based on the following condition(s): | |
| (a) <input type="checkbox"/> The data subject has explicitly consented to the proposed transfer, after having been informed of the possible risks of such transfers for the data subject due to the absence of an adequacy decision and appropriate safeguards (b) <input type="checkbox"/> The transfer is necessary for the performance of a contract between the data subject and the controller or the implementation of pre-contractual measures taken at the data subject's request | |

- (c) The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the controller and another natural or legal person
- (d) The transfer is necessary for important reasons of public interest
- (e) The transfer is necessary for the establishment, exercise or defense of legal claims
- (f) The transfer is necessary in order to protect the vital interests of the data subject or of other persons, where the data subject is physically or legally incapable of giving consent
- (g) The transfer is made from a register which, according to Union law, is intended to provide information to the public and which is open to consultation either by the public in general or by any person who can demonstrate a legitimate interest, but only to the extent that the conditions laid down in Union law for consultation are fulfilled in the particular case

Description**1.7 INFORMATION TO DATA SUBJECTS ON THEIR RIGHTS**

| Rights of the data subjects |
|--|
| <i>Article 17 – Right of access by the data subject</i> |
| <i>Article 18 – Right to rectification</i> |
| <i>Article 19 – Right to erasure (right to be forgotten)</i> |
| <i>Article 20 – Right to restriction of processing</i> |
| <i>Article 21 – Notification obligation regarding rectification or erasure of personal data or restriction of processing</i> |
| <i>Article 22 – Right to data portability</i> |
| <i>Article 23 – Right to object</i> |
| <i>Article 24 – Rights related to Automated individual decision-making, including profiling</i> |

1.7.1 Privacy statement

- The data subjects are informed about their rights and how to exercise them in the form of the a privacy statement attached to this record.

Publication of the privacy statement

- Published on website

Web location:

- ELA internal website (URL: SharePoint on Personal Data Protection)
- External website (URL: <https://www.ela.europa.eu/en/privacy-policy>)

- Other form of publication, specify
Specific internal Space: ELA HR corner

- Guidance for Data subjects which explains how and where to consult the privacy statement is available and will be provided at the beginning of the processing operation.

Description:

Guidance on data subjects' rights available on ELA main website.

1.8 SECURITY MEASURES

Short summary of overall Technical and Organizational Measures implemented to ensure Information Security:

Description:

All data in electronic format (e-mails, documents, uploaded batches of data etc.) are stored either on the servers of the European Labour Authority or of its contractors.

The European Labour Authority's contractors are bound by a specific contractual clause for any processing operations of personal data on behalf of the European Labour Authority, and by the confidentiality obligations deriving from the General Data Protection Regulation.

In order to protect personal data, the European Labour Authority has put in place a number of technical and organisational measures. 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