



**European Labour Authority**

DATA PROTECTION OFFICER

**RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA**

DPR-ELA-2022-0005: Processing of personal data within the framework of the Headquarters Agreement between ELA and the Government of the Slovak Republic: VAT Refund

**1 PART 1: PUBLIC - RECORD (ARTICLE 31<sup>1</sup>)****1.1 GENERAL INFORMATION**

<b>Record reference</b>	DPR-ELA-2022-0005
<b>Title of the processing operation</b>	Processing of personal data within the framework of the Headquarters Agreement between ELA and the Government of the Slovak Republic: VAT Refund
<b>Controller entity</b>	European Labour Authority, Resources Unit, Human Resources (ELA HR team)
<b>Joint controllers</b>	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES, fill in details below
<b>Processor(s)</b>	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES, fill in details below
<b>External organisation(s)/entity(ies) Names and contact details</b>	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES Microsoft Ireland South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, Ireland.
<b>Data Protection Officer Name and contact details</b>	Laura NUNEZ BAREZ Landererova 12, 811 09 Bratislava I Slovakia Email: data-protection@ela.europa.eu
<b>Corporate Record</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Language of the record</b>	English
<b>Record Model</b>	<input checked="" type="checkbox"/> N/A

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<sup>1</sup> 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

This processing of personal data aims to cover the activities within the framework of the Headquarters Agreement establishing the provisions applicable to the relations between the European Labour Authority (ELA) and the Slovak Republic, in particular to the privileges, immunities, exemptions and tax facilities granted to the Authority and to its accredited statutory staff.

ELA staff members may request ELA HR team to launch the Value added tax refund for the acquisition of goods and services for personal consumption for staff who fulfill certain conditions (**VAT refund**). In accordance to the Headquarters Agreement between the Government of the Slovak Republic and the European Labour Authority, in particular Article 10 and Article 13, and the Memorandum on the procedure for the implementation of the Headquarters agreement concluded between the Government of the Slovak Republic and the European Labor Authority between the Ministry of Labor, Social Affairs and Family of the Slovak Republic, the Ministry of Finance of the Slovak Republic, the Financial Directorate of the Slovak Republic and the European Labour Authority, the processing of data by ELA HR team is necessary to support:

- ELA staff to complete the forms/ file concerning their requests related to the privileges, rights or benefits applicable to ELA's statutory staff
- The Government of the Slovak Republic to identify who will be eligible for the specific privileges, rights or benefits.

### 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  
Email exchange of information
3.  Any other mode, specify

### 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
4.  Others, specify

### 1.2.5 Comments on the processing of the data

## 1.3 DATA SUBJECTS AND DATA CATEGORIES

### 1.3.1 Data subjects' categories

1. Internal to organisation	<input checked="" type="checkbox"/> Yes Statutory staff members: officials, temporary and contract staff directly employed by the ELA and seconded national experts, including national liaison officers, within the meaning of Article 32 of the Regulation, who contribute to the fulfilment of tasks of the European Labour Authority
2. External to organisation	<input checked="" type="checkbox"/> N/A

### 1.3.2 Data categories/fields

As established in Article 3 of the Headquarters Agreement, ELA HR team, shall provide the Slovak Government with a list of persons considered to be one of the first 144 staff of the European labour Authority, indicating:

**Identification data:**

Name

Surname

Job classification or function,

The date on which they acquired this status (start date contract and end date contract)

Information on whether they are Slovak nationals or persons who have a permanent residence in the Slovak Republic, and therefore, non eligible for the VAT refund.

The ELA HR team shall immediately inform the Ministry when the status of one of the first 144 staff is acquired by other persons in the period up to the end of 2023, as well as the possible loss of such status by one or more staff, indicating the date of the loss of this status, and indicating other particulars. Ministries are expecting a list (valid at the time) with further regular update (in line with the requests for VAT Refund of new staff).

Any change of the above mentioned data.

**List of purchased goods and services** and copies of documents confirming the purchase of taxed goods and services within the tax territory of the Slovak Republic, which states the amount of tax in euros, invoice number and date of purchase, directly provided by each staff member.

**Financial data:** Bank account, directly provided by each staff member.

ELA contact point for the Ministries may have access to the files, where strictly needed, when requested to clarify a specific situation.

#### 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):

<p>Data revealing</p> <p><input type="checkbox"/> racial or ethnic origin,</p> <p><input type="checkbox"/> political opinions,</p> <p><input type="checkbox"/> religious or philosophical beliefs,</p> <p><input type="checkbox"/> trade union membership,</p> <p>Or/and,</p> <p><input type="checkbox"/> Genetic data, biometric data for the purpose of uniquely identifying a natural person,</p> <p><input type="checkbox"/> Data concerning health,</p> <p><input type="checkbox"/> Data concerning a natural person's sex life or sexual orientation.</p> <p><input checked="" type="checkbox"/> N/A</p>
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Description:N/A

**1.3.2.2 Data related to 'criminal convictions and offences'**

<b>The data being processed contain sensitive data which fall(s) under Article 11 'criminal convictions and offences'</b>	N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
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**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	The process will finish at the end of 2023 or before is the ceiling of 144 staff is reached before this date	Submission of the request from data subjects	At the moment the ceiling of 144 staff is reached.

**Description**

The processing of personal data starts from the moment the staff member submits a request. All personal data processed in the framework of the Headquarters Agreement procedure will be stored electronically and / or on paper for a maximum period specified until the end of 2023 or before if the ceiling of 144 staff is reached before this date. In the event of a formal appeal, all data held at the time of appeal will be retained until the completion of the appeal process.

**1.5 RECIPIENTS**

Origin of the recipients of the data	
1. <input checked="" type="checkbox"/> Within the EU organization	Authorised staff of ELA HR/Resources team and ELA contact point for the Ministries  Head of Unit of ELA HR team

2. <input checked="" type="checkbox"/> Outside the EU organization	<b>Government of the Slovak Republic</b> , in particular: - the Ministry of Labor, Social Affairs and Family, - the Ministry of Finance and - the Financial Directorate <b>Bratislava Tax Office</b>
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Categories of the data recipients
1. <input checked="" type="checkbox"/> A natural or legal person 2. <input checked="" type="checkbox"/> Public authority 3. <input type="checkbox"/> Agency 4. <input type="checkbox"/> Any other third party, specify

**Description:**

All data categories will be accessed by authorized staff of the above mentioned public authorities' staff and authorised staff of ELA HR team and ELA contact point for the Ministries.

**1.6 INTERNATIONAL DATA TRANSFERS**

Transfer to third countries or international organisations of personal data
<b>1. Transfer outside of the EU or EEA</b> <input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur <input type="checkbox"/> YES,
<b>2. Transfer to international organisation(s)</b> <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
<b>3. Legal base for the data transfer</b> <input type="checkbox"/> Transfer on the basis of the European Commission's <b>adequacy decision</b> ( <i>Article 47</i> ) <input type="checkbox"/> Transfer subject to <b>appropriate safeguards</b> ( <i>Article 48.2 and .3</i> ), specify: <ul style="list-style-type: none"> <li>2. (a) <input type="checkbox"/> A legally binding and enforceable instrument between public authorities or bodies. Standard data protection clauses, adopted by <ul style="list-style-type: none"> <li>(b) <input type="checkbox"/> the Commission, or</li> <li>(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) .</li> <li>(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.</li> </ul> </li> <li>3. Subject to the authorisation from the European Data Protection Supervisor: <ul style="list-style-type: none"> <li><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.</li> <li><input type="checkbox"/> Administrative arrangements between public authorities or bodies which include enforceable and effective data subject rights.</li> </ul> </li> </ul> <input type="checkbox"/> Transfer based on an <b>international agreement</b> ( <i>Article 49</i> ), specify

**4. Derogations for specific situations (Article 50.1 (a) –(g))** N /A 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)  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)  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**

N/A

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

<b>Rights of the data subjects</b>
<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: ELA Sharepoint on Personal Data protection )
- External website  (URL: <https://www.ela.europa.eu/en/privacy-policy> )

Other form of publication, specify

Privacy Statement will be attached to the specific announcement to ELA Staff.

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:**

Privacy Statement will be uploaded together with the announcement of the start of the processing. Guidance on data subjects rights' is available in ELA main website under privacy policy.

**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.