

## PROTECTION OF YOUR PERSONAL DATA

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

**Processing operation:** Probationary period and appraisal of ELA Executive Director

**Data Controller:** European Labour Authority, Resources Unit, HR Sector (ELA HR Sector)

**Record reference:** DPR-ELA-2023-0002

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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 "DPR-ELA-2023-0002 Probationary period and appraisal of ELA Executive Director" undertaken by European Labour Authority, Resources Unit, HR Sector (ELA HR Sector) is presented below.

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

Purpose of the processing operation: ELA HR Sector collects and uses your personal information to cover the process of personal data related to your appraisal and/or probationary/management trial period.

The main purposes are:

- **Probationary exercise and management trial period:** to evaluate your efficiency, competencies and conduct in the service in the initial phase of your contract (9 months probationary period) and assess whether your contract shall be confirmed.
- **Annual appraisal exercise:** to evaluate your efficiency, competencies and conduct in the service for the annual appraisal.

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:

(a) 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;

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

Legal basis:

- Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/3442 in particular Articles 18(1) paragraphs (l) and (m), 30 and 31(1);
- Staff Regulations of Officials (SR), in particular Articles 43, 44 and 46, and Conditions of Employment of Other Servants (CEOS), in particular Articles 14, 15, 16 and 20;

- Decision No 7/2020 of 24 March 2020 of the Management Board of the European Labour Authority concerning the annual appraisal, probationary and management trial period of the Executive Director of the Authority.

We process **special categories of personal data**, therefore, Article 10 of the Regulation applies. In particular, we process health data. Special categories of data will be collected in case of probationary period extension due to maternity or sick leave (as provided for in Article 34(1) Staff Regulations, and Art 14 and Art.84 of Conditions of Employment of Other Servants).

We process special categories of personal data indicated in Section 4, because:

(b) the 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 and social protection law insofar as it is authorised by Union law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

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

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

- Name, last name, personnel number
- Grade, step and seniority in the service
- Job title
- Job category and main tasks
- Objectives, efficiency, abilities and conduct in the service
- Report/Probationary report , allegation and final report
- Special category of the data in case of probationary period extension due to maternity or sick leave (as provided for in Article 34(1) Staff Regulations, and Art 14 and Art.84 of Conditions of Employment of Other Servants).

The provision of personal data is mandatory to meet a statutory requirement: Staff Regulations and ELA Management Board and Management Board Decision. If you do not provide your personal data, we will not be able to fulfil our obligations.

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

The ELA HR Sector only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for 10 years after the termination of employment or the last payment, as it will be part of your personal file.

Following ELA filing plan and specific retention list: ELA.6.5.1 Personnel files File for each staff member, opened when they take up their duties and kept open until their service is finished, personal data will be eliminated after 10 years of the termination of employment or the last pension payment.

#### **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.

In particular:

- Staff members of the HR Sector (for administrative follow up purposes only)
- ELA Legal service (for legal support and advice, if needed)
- Reporting Officers (members of the ELA Management Board)
- Appeal assessor (Chairperson of the ELA Management Board)

Any recipient of the data is bound by the rules set in the Staff Regulations and, where appropriate, any additional rules on confidentiality. Furthermore, any recipient of the data shall be reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.

If the decision is challenged before the European Court of Justice, the relevant file may be sent to a lawyer contracted for that purpose.

*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,

[hr@ela.europa.eu](mailto:hr@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-2023-0002 Probationary period and appraisal of ELA Executive Director.