



European Labour Authority

DATA PROTECTION OFFICER

RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA

DPR-ELA-2023-0004 ELA Working Groups

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

Record reference	DPR-ELA-2023-0004
Title of the processing operation	ELA Working Groups
Controller entity	Executive Director of ELA
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
Internal organisation(s)/entity(ies) Names and contact details	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES
External organisation(s)/entity(ies) Names and contact details	<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 <u>Local transportation, interpretation, and catering:</u> PROPAGER – NEWS TRAVEL 70, Boulevard de Reuilly 75012 Paris, France <u>Travel and accommodation:</u> TRAVEX Travex S.A. – Parvis de la Trinité, 8 – 1050 Brussels (Belgium) EFTHEIA Avenue Paul Deschanel 62 1030 Brussels – Belgium 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.
Data Protection Officer Name and contact details	Laura NUNEZ BAREZ European Labour Authority Landererova 12, 811 09 Bratislava I Slovakia Email: data-protection@ela.europa.eu
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) was established by the Regulation (EU)2019/1149 of the European Parliament and of the Council of 20 June 2019 (“ELA Regulation”), to help strengthen fairness and trust in the internal market.

The objectives of the ELA are mainly to contribute to ensuring fair labour mobility across the Union and assist Member States and the Commission in the coordination of social security systems within the Union.

In order to perform its tasks, the ELA Regulation foresees, in Article 16(2), the creation of specific Working Groups to fulfil a specific task or regarding a particular policy area.

ELA has four dedicated working groups in which representatives from Member States, the European Commission and social partners share their expertise on the dedicated subject.

Currently, ELA has the following active working groups:

- Working Group on Information
- Working Group on Inspections
- Working Group on Mediation
- European Platform tackling undeclared work

This corporate record aims to cover the processes of personal data in each of them.

This record aims to cover the process of personal data needed to create and maintain a repository for historical and archival purposes on the activities coordinated by the different Working Groups in ELA.

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
3. Any other mode, specify

Description

The personal data collected and processed is limited to ensure the proper management of each Working Group, organize meetings, facilitate the discussions and strengthen cooperation between the members.

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	ELA Executive Director ELA Management Board ELA staff handling with each specific Working Group
2. External to organisation	Representatives from each Member States and alternates Representatives of the European Commission and alternates Independent expert appointed by the European Commission and alternate Representatives of social partner organisations at Union level and alternates Observers from third countries Representatives of Eurofound, EU-OSHA, Cedefop and European Training Foundation (ETF) External experts

1.3.2 Data categories/fields

Selection of candidates for the ELA Working Groups:

There is no selection performed by the European Labour Authority, as the members of each specific Working Group are appointed by their respective Member States/EU Institution/organization.

ELA Working Group activities:

Identification data: Name, Surname, Category (representative of the European Commission/Member State, European Parliament/Social partner organization), Role Title, Representative/Alternate, Conflict of Interest, Letter of appointment, Short biography/CV, Signature.

Data collected regards:

- identification data of the Working Group members, alternate members or observers and the appointment letters or emails from the Management Board members are being collected stored to document the membership of respective persons.

- identification data of the Subgroups members, if subgroups set up with a composition determined by the Working Group for the purpose of examining specific questions.
- identification data of external experts invited by the Chair for their specific expertise with respect to a subject matter on the agenda to take part in the work of the Working Group or subgroups on an ad hoc basis.

Documents related to the ELA Working Groups:

- decisions and meeting documents (invitations, agendas, background documents, summaries and deliberations/ meeting minutes), opinions/votes (check the Rules of procedure), including the outcome of written deliberations,
- Video-audio recordings of the meetings,
- Attendance lists.

ELA staff may participate in some of the sessions of the ELA Working Groups in order to support the activities presented and on a need to know basis. In this case, the following data will be collected and processed: name, surname, role, unit, specific task/duty presented/performed.

Additional personal data may be received regarding a specific topic/case, but only the information that would be considered necessary to perform the tasks entrusted to the specific Working Group will be collected and processed. All additional information that is outside the scope of the activities of the ELA Working Groups will be analysed by the case handler/manager/coordinator of the Working group and, if not relevant, will be destroyed immediately after this analysis.

Documents related to the reimbursement of the expenses of the member of the Working Group/experts:

- Information about the full name, date of birth and travel documents as well as accommodation (hotel name and address) and flight (flight reference, company, destination, time of departure/arrival) of the participants may be collected in order to organise the transportation/reimbursement of the participants.
- Financial data: bank account reference (IBAN and BIC codes), VAT number and Legal Entity form (LEF).

Reimbursement will be dealt following the process described in the Record “DPR-ELA- 2022-0003 Managing award procedures for procurement and the execution of contracts”.

Repository

Personal data related to Working Group cases, in particular related to the members of the Working Group, Mediators, national representatives and case handler, such as name, surname, nationality, profession, role and contact details, i.e. professional e-mail address, address and telephone number of the mediators, members of the mediation board, representatives from the Member States, experts in advisory capacity, NLOs and member of ELA staff acting as case handler , together with factual reports, non-binding opinions or any other relevant documents will be kept for historical/statistical purposes in ELA internal database.

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:

Social Partner organizations at national or EU level (employer associations and trade unions). These data is collected just to ensure the correct representation of the main stakeholders in the different Working Groups at ELA.

An explicit consent will be required to collect the following personal data:
Dietary requirements and/or access requirements (i.e. mobility restrictions).

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 [...].

1.3.2.2 Data related to 'criminal convictions and offences'

<p>The data being processed contain sensitive data which fall(s) under Article 11 'criminal convictions and offences'</p>	<p>N/A <input checked="" type="checkbox"/></p> <p>Yes <input type="checkbox"/></p>
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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
Identification data	During the mandate as representative of the respective Member States/EU Institution/Organisation. Once the member is no longer performing these activities, his/her personal data (described under the identification data) will be deleted.
Decisions and meeting documents (invitations, agendas, background documents and meeting minutes)	5 years
Audio-visual recordings	3 months after the meeting takes place and minutes are approved
Files related to the reimbursement of the members/ experts	<i>a period of 7 years as per the Financial Regulation (date of payment + 7 years)</i>
Repository	Will be kept for historical/statistical purposes in order to keep record of the activities performed by the different Working Groups.

Description

Files on the creation, work and follow-up of the expert/working groups set up by the management Board on a permanent or temporary basis to advise should be kept for the period during which the relevant individual is a member of the group and for **five years** after the date on which the individual is no longer member or for five years after the date on which the group was closed down.

1.5 RECIPIENTS

Origin of the recipients of the data	
1. <input checked="" type="checkbox"/> Within the EU organization	ELA Staff on a need to know basis
2. <input checked="" type="checkbox"/> Outside the EU organization	European Commission staff on a need to know basis European Parliament staff on a need to know basis Social Partners organisations involved on a need to know basis Eurofound, EU-OSHA, Cedefop and ETF staff on a need to know basis General public
Categories of the data recipients	
1. <input checked="" type="checkbox"/> A natural or legal person	
2. <input checked="" type="checkbox"/> Public authority	
3. <input checked="" type="checkbox"/> Agency	
4. <input type="checkbox"/> Any other third party, specify	

Specify who has access to which parts of the data:
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Description

ELA Staff will have access to all data categories on a need to know basis.

ELA Finance, Account and Budget staff will have access to the information related to the reimbursement of the expenses on a need to know basis .

Identification data and personal data related to the organization of the events/meetings will be shared with the relevant external contractors.

Agenda, minutes and opinions of the Working Group will be published on ELA main website. When possible, references to organisations/legal entities will be made and not to physical persons.

In order to promote synergies among the members of each Working Groups, identification data and contact details may be shared. Members will be explicitly informed and will have the right to object to share their contact details outside their Working Group by addressing the specific FMB indicated in the relevant privacy Statement.

1.6 INTERNATIONAL DATA TRANSFERS

Transfer to third countries or international organisations of personal data	
1. Transfer outside of the EU or EEA	
<input type="checkbox"/> N/A, transfers do not occur and are not planned to occur <input checked="" type="checkbox"/> YES,	
Country(ies) to which the data is transferred	Switzerland
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 checked="" 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).

Description

According to the Commission Decision of 26 July 2000 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data provided in Switzerland, the European Commission has recognised Switzerland as providing adequate protection.

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

A specific Privacy Statement will be prepared for each Working Group and make available to the members/alternates by email and publicly available in specific spaces for each Working Group.

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:

Specific Guidance on data subjects' rights is 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.