

## PROTECTION OF YOUR PERSONAL DATA

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

**Processing operation:** ELA process on administrative inquires and disciplinary procedures

**Data Controller:** European Labour Authority

**Record reference:** DPR-ELA-2022-0036

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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 process on administrative inquiries and disciplinary procedures" undertaken by the European Labour Authority is presented below.

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

Purpose of the processing operation: The European Labour Authority collects and uses your personal information to ensure that all staff members or former staff members comply with their statutory obligations by conducting administrative inquiries, pre-disciplinary proceedings, disciplinary and suspension proceedings, in an impartial, transparent, and timely manner in case of potential breaches of the Staff Regulations (SR).

The processing of data consists in collecting information and gathering evidence, accurate and validly obtained, into a file which will be submitted to the Appointing Authority (AA), the Executive Director of ELA. This file will allow the AA to determine whether there has been a failure by an official, servant or other person working for the Authority, to comply with his/her obligations under the Staff Regulations and the Conditions of Employment of Other Servants (CEOS).

The sole purpose of this processing of personal data is to establish the facts and determine the individual responsibility of the person concerned in respect of the facts and circumstances of the case. It allows the AA to decide on the appropriate follow-up to the case.

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) 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;

AND

(b) 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.

- Staff Regulations, Article 22 and Annex 9.
- Conditions of Employment of Other Servants, Articles 47, 48, 49, 50, 50a, 76, 77, 119.
- Draft Decision No 21/2022 of 24 November 2022 of the Management Board laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings.

We may process **special categories of personal data** for the purposes of conducting administrative inquiries and disciplinary proceedings or for the purpose of establishing the facts, therefore Article 10 of the Regulation will apply. In particular, we may process: 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.

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;

(e) the processing relates to personal data which are manifestly made public by the data subject;

(f) the processing is necessary for the establishment, exercise or defence of legal claims or whenever the Court of Justice is acting in its judicial capacity;

(g) 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;

(h) 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.

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

In order to carry out this processing operation the European Labour Authority collects the following categories of personal data:

##### **Personal data of the person concerned:**

Depending on the circumstances of the particular case, the following information could be gathered:

##### **Identification and contact data:**

Name, surname, date of birth, nationality, e-mail address, institution and department, function.

##### **Financial data:**

It may include bank account references, IBAN and BIC codes.

##### **HR data:**

Professional data include professional experience, including details on current and past employment.

**Social, behavioural data and other types of data** specific to the processing operation, such as: legal qualification of the conduct or misconduct according to the Staff Regulations or other obligations; individual responsibility of the person concerned, including financial liability; disciplinary and criminal sanctions imposed to the person concerned.

**Personal data of the witness(es)**

Name, surname, e-mail address, institution and department, function and written/oral statements.

**Personal data of the members of the Inquiry team, Disciplinary Board / Common Disciplinary Board**

Name, surname, e-mail address, institution and department, function and report of the Inquiry team/reasoned opinion of the Disciplinary Board.

**Personal data related to the inquiry/administrative inquiry/pre-disciplinary and/or disciplinary proceedings**

Documents and other data relevant to the case in any format, hearings (audio-recordings, videoconference, phone or any equivalent media).

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

We have obtained your personal data from other colleagues in ELA/ HR Sector in ELA.

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

The European Labour Authority only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for:

Personal data contained in the preliminary assessment and have not triggered an administrative investigations: **2 years** from the date of the appointing authority's decision.

Personal data contained in an administrative investigation without disciplinary consequences: **5 years** from the date of the appointing authority's decision.

Personal data related to investigations with disciplinary consequences: **20 years** from the date of the appointing authority's decision.

Decisions/Penalties: from **3 to 6 years** from the date of the appointing authority's decision.

**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.

*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:

Head of HR Sector:

[petya.kirtcheva@ela.europa.eu](mailto:petya.kirtcheva@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-2022-0036 ELA process on administrative inquires and disciplinary procedures.