



**European Labour Authority**

DATA PROTECTION OFFICER

**RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA**

DPR-ELA-2023-0007 EU Learn in the European Labour Authority

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

<b>Record reference</b>	DPR-ELA-2023-0007
<b>Title of the processing operation</b>	EU Learn in the European Labour Authority
<b>Controller entity</b>	The European Labour Authority, Resources Unit, Human Resources Sector (ELA HR Sector)
<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>Internal organisation(s)/entity(ies)</b>	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES
<b>External organisation(s)/entity(ies)</b> Names and contact details	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES  The <a href="#">European Commission, Human Resources and Security</a> (DG HR) 1049 Brussels, Belgium <a href="#">European School of Administration</a> (EUSA) Rue Philippe le Bon, 3, 1049 Bruxelles/Brussels, Belgium  <a href="#">Microsoft Ireland</a> South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, Ireland.  <a href="#">LinkedIn Ireland</a> Unlimited Company Attn: Legal Dept. (Privacy Policy and User Agreement) Wilton Plaza, Dublin 2, Ireland  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.
<b>Data Protection Officer</b> Name and contact details	Laura NUNEZ BAREZ European Labour Authority 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

<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

The European Labour Authority (ELA) collects and uses personal information to optimise the access of the Authority's staff to learning and development opportunities.

The Learning Management System ("EU Learn") allows staff to identify and register for courses and other learning-related activities which are appropriate for their current and future jobs within the institutions, bodies and agencies, in order to comply with article 45.2 of the Staff Regulations which requires staff to demonstrate their proficiency to work in a third language for their first promotion, and/or to support their integration in the host country.

It also allows training managers to organise and manage all training actions and learning opportunities, including those which have a compulsory character or which are essential preconditions for certain career steps according to staff regulations.

This implies :

- to plan and organize learning and development activities for the whole of the ELA staff
- to manage all the procedures of learning actions (create and publish courses, publish multi-media learning content (documents, recordings, etc), provide access to external learning platforms like LinkedIn Learning, create training applications, validate course enrolment requests, register and enroll, enter test results, follow-up of participation and evaluation)
- to evaluate the learning actions in view of quality control
- to evaluate participants' learning status and test results in view of career steps according to Staff Regulations
- to capture the acquired competences and proficiency levels as a result of the participation in learning activities and assessments
- to create a learning history log for all staff

### 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

### 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  
Statistics are generated automatically by the Learning Management System platform.
2.  Manual processing
  - a.  Word documents
  - b.  Excel sheet

### 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

**1.2.5 Comments on the processing of the data**

The learning and development activities need to be also followed by the Financial team in the European Labour Authority. This process of personal data will be covered by the Record “DPR-ELA-2023-0013 Speedwell” and it is collected with the main purpose of the reimbursement of the expenses.

**1.3 DATA SUBJECTS AND DATA CATEGORIES**

**1.3.1 Data subjects' categories**

1. Internal to organisation	<input checked="" type="checkbox"/> Yes ELA Staff, including Seconded National Experts (SNEs) and National Local Officers (NLOs), interims, trainees
2. External to organisation	<input checked="" type="checkbox"/> Yes Authorised staff from the European Commission, DG HR on a need to know basis.

**1.3.2 Data categories/fields**

Indicate the categories of data that will be processed:

Data related to the ELA Staff:

**Identification data:**

Name, Surname, Job Title, Unit, E-mail, Phone number, Type of Contract, perID, Contract dates , Line Manager

**Learning Management System data:**

- Participation in learning activities (learning history)
- Ratings of learning events (entered identifiably by the participants).
- Test scores either entered by the trainer or the outcome of an online test
- Skills and skill levels acquired as a result of learning activities, assessments or self-declaration
- Attendance data of the learner in classroom courses (entered by the trainer, the contractor or the course manager)•
- Personal data about staff of the European Labour Authority, including Seconded National Experts, in the Learning Management System come from CUD (database of user IDs, names and organisations used by DG DIGIT which comprises personal profiles of Commission staff and Executive Agencies) and COMREF (common reference database of the HR data of EU institutions, agencies and bodies).
- To access LinkedIn Learning (LinkedIn Learning Ireland, that uses LinkedIn Corporation, based in the US as a sub-processor), a pseudonym is generated in EU Learn. This pseudonym can only be associated to a staff member in EU Learn. Only this pseudonym is transmitted to LinkedIn Learning Ireland, and all learning activities on those platforms are associated to this pseudonym. On a regular basis, the data from LinkedIn Learning are being imported in EU Learn, and assigned to the correct staff member, to ensure a complete learning history and/or skills repository for the staff member. Since LinkedIn Learning Ireland uses LinkedIn Corporation (based in the US) as a sub-processor, the pseudonym and its activities on the platform might be disclosed to LinkedIn Corporation.

Data related to trainers:

**Identification data:**

Name, Surname, Role, E-mail and contact details.

**Learning Management System data:**

- Evaluation of the training course and the trainer/contractor (entered anonymously by the learners),
- Test scores either entered by the trainer or the outcome of an online test
- Attendance data of the learner in classroom courses (entered by the trainer, the contractor or the course manager)
- For external trainers, the ELA collects a short bio and picture (optional).

**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.

**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
List of participants (name, surname, email and organisation)	The presence/absence has been marked in EU Learn by the course manager or trainer, usually within 2 weeks after the end of the course.
Training records	For the duration of the career of the staff member and 20 years after the deactivation of their profile in COMREF. The completion of a number of training courses is a condition to be granted access rights to IT systems or prerequisites for other courses. As a result, data subjects who leave the organisation can return after many years and continue to need to demonstrate having followed a specific course. It is therefore in the interest of the data subject and the service to retain the learning history.

Paper presence lists	are kept until the presence/absence data are entered in EU Learn (usually within 2 weeks). Then they need to be destroyed. A scan of the presence list can be uploaded in ABAC/Speedwell (accounting system) as supporting document for the payment of invoices for services of external trainers. For the retention period we refer to the ABAC data protection record.
Data of external trainers and evaluation forms	are kept for the duration of the framework contract with the contractor that provides the trainer.
Skills and skill levels	Skills can have an expiration date or not, depending on the subject and the purpose. For example, language skills are valid for a period of 2 years after the completion of a placement test or training course. At most, the retention period follows the rules of training records (see above).

### 1.5 RECIPIENTS

Origin of the recipients of the data	
1. <input checked="" type="checkbox"/> Within the EU organization	ELA HR Sector Line manager/Head of Unit (training validator) ELA Finance Team
2. <input checked="" type="checkbox"/> Outside the EU organization	European Commission, DH HR European School of Administration (EUSA) Linkedin

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	

#### Description

Access to your personal data is provided to the **ELA HR Sector** 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. ELA Finance Team will only have access to the list of participants and courses followed to proceed with the reimbursement.

- Participants of the Authority can access details of their learning history, current and planned learning activities as well as data held in their personal profile, including results of the continuous assessments and final tests, competences/skills and corresponding proficiency levels. They can download their learning history in PDF format. They can also see the first name, last name, email address, the EU Institution/agency and department of other participants who are registered in the same course or community of practice as they are. Participants can read ratings and comments of learning events by other, participants. The first and last name of the raters will be displayed along with their rating and comment(s).
- Course managers (i.e., staff responsible for planning and administering courses) have access to specific data for the planning, organisation, management and evaluation of courses and learning opportunities.
- Trainers receive an email with details of their course, the participants in the courses for which they are the trainer and test results of data subjects/participants in the course they teach. Via the contractor, trainers receive anonymous statistics about the ratings of the course and the trainer, submitted by the participants. For language placement tests, trainers have access to the first name and last name, the professional email address to direct candidates to the platform for the written test and answer question, and the professional telephone number

to do the oral part of the placement test. The trainer/course manager creates the skill in the profile of the candidate.

- The contractors (training service providers) have access to the data of the courses they are contracted to deliver and manage. For language placement tests, the contractor has access to the data the external trainer they employ (first name, last name, professional email address, professional email address. The contractor has access to the skill and skill level that is the result of the placement test or language training course they delivered.
- Training validator (i.e. the person who the participants have identified as the person that needs to approve their request for enrolment in a learning activity, usually the line manager) for the validation of the learning requests of staff, as well as for human resources management and career development of staff. Training validators have access to the course status of the data subjects who have entered him/her as being the approver of their training requests. They can read the ratings of learning events (name of rater, rating and comment(s)).
- LinkedIn Learning Ireland (with LinkedIn Corporation as a sub-processor) will only receive a pseudonym that is generated in EU Learn. All learning-related activities on LinkedIn Learning’s platform will be associated to this pseudonym. On a regular basis, the data for LinkedIn Learning are being imported in EU Learn, and assigned to the correct staff member, to ensure a complete learning history and/or skills repository for the staff member.
- System administrator (DG HR and EUSA) has access to all above mentioned data and any activity in the system.

The collected information 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.

#### 1.6 INTERNATIONAL DATA TRANSFERS

<b>Transfer to third countries or international organisations of personal data</b>
<p><b>1. Transfer outside of the EU or EEA</b></p> <p><input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur</p> <p><input type="checkbox"/> YES,</p>
<p><b>2. Transfer to international organisation(s)</b></p> <p><input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur</p> <p><input type="checkbox"/> Yes, specify further details about the transfer below</p>
<p><b>3. Derogations for specific situations (Article 50.1 (a) –(g))</b></p> <p><input checked="" type="checkbox"/> N /A</p> <p><input type="checkbox"/> Yes, derogation(s) for specific situations in accordance with article 50.1 (a) –(g) apply (ies).</p>

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

Other form of publication, specify

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

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:

The data subjects can contact at any time the controller in order to consult or modify their data.

### 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.