

PROTECTION OF YOUR PERSONAL DATA

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

Processing operation: ELA process of personal data related to internal and external audits

Data Controller: The European Labour Authority, Executive Director's Office/Legal and Compliance

Record reference: DPR-ELA-2022-0025

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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 of personal data related to internal and external audits*" undertaken by the European Labour Authority, Executive Director's Office/Legal and Compliance is presented below.

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

Purpose of the processing operation: The Executive Director's Office/Legal and Compliance collects and uses your personal information to support and coordinate the performance of internal and external audits such as:

- financial control, desk checks, financial verifications and audits of contracts to verify contractor's, subcontractors' or third parties' compliance with all contractual provisions (including financial provisions), in view of checking that the provisions of the contract are being properly implemented and in view of assessing the legality and regularity of the financial transaction underlying the implementation of the general budget of the Union,
- data protection, according to Regulation (EU) 2018/1725, audits can be performed by the European Data Protection Supervisor. The European Data Protection Supervisor acts as an independent supervisory authority for all the institutions (see articles 52-60 of the abovementioned regulation). This process will be covered by Record "[DPR-ELA-2022-0004 Monitoring, investigative, auditing and consultative activities of the DPO](#)".

Personal data will not be used for an automated decision-making including profiling.

The audits are mainly performed by the [European Court of Auditors](#) (external audits), independent external auditors and the [Internal Audits Service of the European Commission](#) (internal audits).

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)(a) of Regulation (EU) 2018/1715:

- (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

AND

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

Legal basis:

- Regulation(EU) 2019/1149 of 20 June 2019 establishing a European Labour Authority (ELA Regulation).
- Article 287 of the Treaty on the Functioning of the European Union (TFEU)
- Decision No 21/2020 of 15 December 2020 of the Management Board on ELA's Financial Rules
- Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, (hereafter "the Financial Regulation") in particular: Articles 160-179 for the procurement procedures

Only in very exceptional cases, the processing of '**special categories of data**' which fall(s) under Article 10(1) might be performed by the IAS/ECA/external auditors. Special categories of data will not constitute the major aim of the audit/inspection, as the internal/external audit activities do not aim at investigating/inquiring particular individuals and/or conduct. For these cases, we may need to handle:

Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health, and/or data concerning a natural person's sex life or sexual orientation.

We process special categories of personal data indicated in Section 4, because, according to **Article 10(1)(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.

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

In order to carry out this processing operation the Executive Director's Office/Legal and Compliance collects the following categories of personal data:

Indicate the categories of data that will be processed:

- **Contact data:** name, company, e-mail address, telephone number; and other contact details (mobile telephone number, fax number, professional postal address, function and department, country of residence);
- **Personal data for access to finance and contractual obligations:** such data can be: bank account reference (IBAN and BIC codes), VAT number, passport or ID number; timesheets, salary slips, accounts, details of the costs, missions, reports, information coming from local IT system used to declare costs as eligible, supporting documents linked to travel costs, minutes from mission and other similar data depending of the nature of the grant/contract, etc.;
- **Information for the evaluation of selection criteria or eligibility criteria:** expertise, technical skills and languages, educational background, professional experience, including details on current and past employment;

- A copy of an identity document of applicants (where relevant);
- Specific case involvement data;
- Personal data that may be collected by the website if there is consent to its cookies: IP address, language preference, etc.

The main purpose of the ELA Governance Sector is not the collection of special categories of personal data under Articles 10 and 11 of Regulation (EU) 2018/1725 but in some circumstances it will be needed for the management of the Authority. However, any personal data, processed by ELA or its processors (including sensitive categories of personal data), might potentially be communicated to the internal or external auditors for the purpose of monitoring, auditing or consultative activities.

The provision of personal data is mandatory to meet a statutory requirement: ELA Financial Rules. If you do not provide your personal data, we will not be able to perform our tasks and fulfil our obligations.

5. How long do we keep your personal data?

The Executive Director's Office/Legal and Compliance only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for the time necessary to fulfil the purpose of collection or further processing. The administrative retention period for internal audit reports is 10 years. Audit documents and records (e.g. audit working papers) including time registration documents are kept for 7 years.

At the end of the administrative retention period, the files related to the internal audit activity (including personal data) are:

- transferred to the historical archives of the ELA (in the case of audit reports) or
- destroyed (in the case of supporting documents, e.g. audit working papers, time registration documents).

In particular, according to ELA retention list:

ELA 2.3.2 Internal audits reports: Internal audit files containing the internal auditors' comments are recorded during their auditing work, the internal auditors' opinion on the internal control system audited and recommendations will be kept for 10 years.

ELA 2.3.4 Relations with the European Court of Auditors (ECA): Files concerning ECA reports (drafts and follow-up) examining whether all revenue has been received and all expenditure has been incurred in a lawful and regular manner and establishing whether ELA's financial management will be kept for 7 years.

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.

All data categories might be accessed by the relevant auditor from [the European Court of Auditors](#) (ECA) or the [Internal Audit Service](#) (IAS).

The IAS reports are presented to the Management Board and the Executive Director.

ECA provides statements of assurance to the European Parliament and the Council on the reliability of accounts and on the legality and regularity of the transactions underlying the accounts

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:

compliance@ela.europa.eu

- The Data Protection Officer (DPO) of ELA

You may contact the Data Protection Officer (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 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-2022-0025 ELA process of personal data related to internal and external audits.