

## PROTECTION OF YOUR PERSONAL DATA

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

**Processing operation:** ELA Business Continuity Plan activities

**Data Controller:** The European Labour Authority, Governance and Coordination Unit

**Record reference:** DPR-ELA-2023-0020

### Table of Contents

1. Introduction
2. Why and how do we process your personal data?
3. On what legal ground(s) do we process your personal data?
4. Which personal data do we collect and further process?
5. How long do we keep your personal data?
6. How do we protect and safeguard your personal data?
7. Who has access to your personal data and to whom is it disclosed?
8. What are your rights and how can you exercise them?
9. Contact information
10. Where to find more detailed information?

## 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 Business Continuity Plan activities*" undertaken by the European Labour Authority, Governance and Coordination Unit is presented below.

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

Purpose of the processing operation: The Governance and Coordination Unit collects and uses your personal information to set up and establish a Business Continuity Plan to:

- increase the resilience of the Authority,
- minimise the impact of any disruption and
- facilitate the identification and recovery of key business processes and systems within agreed time frames.

The Business Continuity Policy was officially approved by the Executive Director through Decision 10/2023 in September 2023. This policy outlines procedures related to business continuity, including:

- an Incident Management Procedure
- Recovery Strategies and a
- Simulation Plan to test possible disaster scenarios.

Under this record, contact details of the ELA's workforce shall be processed exclusively by the **Business Continuity Manager/ Steering Committee** for the following purposes:

1. to manage contact lists;
2. to notify about an incident that may constitute a threat to business continuity;
3. to manage a crisis/incident and send crisis/incident related information to, and to request any
4. For training purposes and business continuity exercises follow-up action to ensure business continuity;
5. to enable critical and essential staff to perform their tasks by giving them prioritised access to resources, including offices, equipment and IT, financial and logistical support, when necessary;
6. to maintain a logbook of actions taken in relation to a business continuity incident.

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)2018/1725, 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.

#### Legal basis:

- Article 22 of the Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing the European Labour Authority,
- Decision No. 10/2023 of 25 September 2023 regarding the adoption of the European Labour Authority's Business Continuity Policy

We process **special categories of personal data**, therefore Article 10 of the Regulation applies. In particular, we may collect **health related data**, for instance, in case of an incident, it has to be reported and encoded in the Incident Register about any injured or fatalities and if there is a significant actual or potential damage/threat to life. In these specific cases, personal data will be collected in order to inform the relevant national authorities and/or emergency services.

We collect it according to Article 10(2) of Regulation(EU) 2018/1725, because:

(a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union law provides that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

(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;

(c) the 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;

(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;

(i) the 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 healthcare and of medicinal products or medical devices, on the basis of Union law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy.

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

In order to carry out this processing operation the Governance and Coordination Unit collects the following categories of personal data:

ELA critical and essential staff: Unit, key position, critical task, person in charge

ELA business continuity staff: Back-up person's personal data: Name, surname, professional and personal contact details (phone number, address and e-mail).

All other ELA workforce: Name, surname and private phone number.

**In the event of an emergency** (operational/cybersecurity/security or data privacy incident), the following personal data will be collected and processed in the Incident Register by the Business Continuity Policy Owner: the name of the person who reported the incident, date and time of the report, his/her contact's information, accurate description of the incident (date and time of the incident, type of incident, location of the incident, measures taken (if any) and an estimate of the extend of the impact).

The provision of personal data is mandatory for business continuity management purposes, as it enables the European Labour Authority to contact workforce to respond to crises and operational disruptions affecting the normal functioning of the institution, in particular Article 22 of ELA Regulation. If you do not provide your personal data, we will not be able to ensure the proper management of the Authority.

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

The Governance and Coordination Unit only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for as long as the person works or provides a service in the ELA plus three months for smooth service operation.

*The list of contact persons is replaced by an updated version whenever there is a change in workforce.*

#### **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, The Business Continuity Manager, Business Continuity/ Steering Committee and the Business Continuity Policy Owner have access to all data categories.

- In case of an **incident**, the Crisis Management Team will have access to the information contained in the Incident Register and the Crisis Communication Team will be informed accordingly depending on the need, assessed case-by case by the Steering Committee.
- In case of a **personal data breach**, the ELA Data Protection Officer will be involved and informed accordingly to the European Data Protection Supervisor when required. This process is covered by the Record *“DPR-ELA-2022-0001 Register of personal data breaches in the European Labour Authority”*.
- In case of a **security or cybersecurity incident**, the CERT-EU may be involved accordingly to the Record *“DPR-ELA-2023-0022 ELA ICT security investigations”*.
- In case of a **security incident**, the External Security services of the building, the Landererova 12 Building Management and/or the relevant national authorities (police, fire brigade, care service providers) may need to be informed to implement an effective solution to the incident, according to the Record *“DPR-ELA-2022- 0008 ELA access control, CCTV system and parking cards”*.

ELA Staff will have access to partial information on a need to know basis.

The information we collect will not be given to any other 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:

[bcm@ela.europa.eu](mailto:bcm@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-2023-0020 ELA Business Continuity Plan activities.