

**[MODEL GENERIC PRIVACY STATEMENT]**

**NB: TEXT IN RED SHALL BE DELETED**

THE TEXT IN RED PROVIDES YOU WITH GUIDANCE ON HOW TO FILL IN THIS TEMPLATE. IT SERVES TO REMIND YOU OF THE LEGAL OBLIGATIONS RELATED TO YOUR ROLE AS DATA CONTROLLER, AS WELL AS TO HELP YOU ADAPT THE STANDARD TEXT SO THAT THE INFORMATION CONTAINED IN THE PRIVACY STATEMENT IS EXTENSIVE AND CORRESPONDS TO THE PARTICULARITIES OF THE RELEVANT PROCESSING OPERATION. AFTER YOU HAVE COMPLETED THE DRAFTING OF THE PRIVACY STATEMENT, YOU SHOULD ERASE THE GUIDANCE TEXT AND MAKE SURE THAT IT DOES NOT APPEAR IN THE FINAL VERSION THAT YOU WILL PROVIDE TO THE DATA SUBJECTS.

As data controller, you are reminded about your obligations in relation to [Regulation \(EU\) 2018/1725 \('the Regulation'\)](#). In particular vis-a-vis the data subjects you need to:

- take appropriate measures to provide any information and any communication to the data subjects in a clear, *easily understandable*, transparent and concise form, as well as **facilitate for the data subjects to the exercise his or her rights** as indicated in article 14 of the Regulation.
- to **provide the data subjects with all the necessary information** as described in articles 15 and 16 of the Regulation in order to ensure a fair and transparent processing. You must ensure this information is provided to the data subjects at the very beginning of the processing of their personal data.

Therefore, **make the privacy statement available to the data subjects at the outset** when you collect the data directly from them (article 15) or when the data are *not* collected directly from the data subjects (article 16), you must ensure to communicate it within the time period specified in article 16.3(a)-(c).

It is crucial that you make the privacy statement visible and easily accessible to the data subjects. It should be provided in the most appropriate format and place (e.g. published on the relevant website, provided as part of the online form that the data subjects have to fill in, or in the acknowledgment of receipt when a data subject exercises his/her rights via an email, etc.). You should also ensure that the data subjects are adequately directed towards the privacy statements location in order to become aware of it.

Note also that the information in the privacy statement must be consistent with the relevant sections of the record of the processing operation in the Data Protection Records Register at European Labour Authority. Please verify that the information contained in both documents is the same before submitting the record and privacy statement.

## PROTECTION OF YOUR PERSONAL DATA

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

**Processing operation:** ELA research activities related to supporting cooperation between Member States

**Data Controller:** European Labour Authority, Cooperation Support Unit (ELA COP Unit) *[Name of the team responsible (entity)]*

**Record reference:** DPR-ELA-2022-0041

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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 research activities related to supporting cooperation between Member States", in particular: *[Name of the specific research/study]* undertaken by European Labour Authority, Cooperation Support Unit (ELA COP Unit), *[Name of the team responsible (entity)]* is presented below.

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

Purpose of the processing operation: European Labour Authority, Cooperation Support Unit (ELA COP Unit), *[Name of the team responsible (entity)]* collects and uses your personal information 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. To that end, ELA aims to carry out research on the different administrative cooperation practices, possibilities and challenges between Member States' competent authorities in relation to the posting of third country nationals (TCNs).

The main purpose of these studies is to assist the Member States in the effective and uniform application of the EU legislation regulating the posting of TCNs.

The scope of this study is limited to 'posted TCNs' covered by Posting Directives and Regulations on the coordination of social security systems, also in line with recital 13 of the ELA founding Regulation.

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)(d) of Regulation(EU) 2018/1725, you have given consent to the processing of your personal data for one or more specific purposes.

We do not process **special categories of personal data**, therefore Article 10 of the Regulation does not apply.

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

In order to carry out this processing operation European Labour Authority, Cooperation Support Unit (ELA COP Unit), *[Name of the team responsible (entity)]* collects the following categories of personal data: *[Specify the categories of personal data concerned, remove when not collected.]*

**Identification data:** Name, family name, email address, role(s)/position, organisation,

**Content related data:** opinion/reply to thematic questions (i.e. general questions, national legislation and practices, main challenges, possibilities and good practices), contacts of potential stakeholders to be interviewed.

**Consent form authorization, dated and signed.**

*[In case you foresee publication of the personal data, indicate this and specify to what extent you will publish personal data.]*

In some particular studies, photographs and/or audio- or video recordings will be collected and processed. A specific consent form will be provided to the data subjects.

Publication of some of the personal data, mainly opinions, may be done as part of the communication activities of ELA but only aggregated data will be published. In case we want to publish some of your personal data, a specific consent will be gathered.

The provision of personal data is not mandatory.

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

European Labour Authority, Cooperation Support Unit (ELA COP Unit), *[Name of the team responsible (entity)]* only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for:

**All data categories related to the research:** interviews, replies to questionnaires 2 years

**Identification data:** 2 years. Before this two years, the experts will be contacted by ELA in order to request their consent to be included in ELA.

*[In case you foresee publication of the personal data, indicate this and specify to what extent you will publish personal data.]*

**Personal data published:** Name, surname, role, organisation, opinion: 5 years. A specific consent will be provided to the data subject to inform him/her and gather his/her consent.

Following ELA filing plan and specific retention list of 27 May 2021, in particular ELA.7 Communication management> ELA.7.3 Publication and websites> ELA.7.3.2 Files with final publications and studies, personal data will be deleted or anonymised 2 years after the reception of the raw data from the external contractors (processors) to ELA.

External processors will delete all personal data related to this research project at the moment of the transmission of the data to ELA.

Identification data will be deleted in 2 years. Before this two years, the experts will be contacted by ELA in order to request their consent to be included in ELA. This process will be covered by Record "DPR-ELA-2022-0024 ELA Contact lists & network partners databases.

#### **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. Only include reference to contractors in the event a contractor exists, otherwise erase the reference].*

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.

Only authorized staff from ELA COP Support unit, *[Name of the team responsible (entity)]* will have access to the raw data collected from the external contractors.

*[In case you foresee publication of the personal data, indicate this and specify to what extent you will publish personal data.]*

The information being published on the ELA websites can be accessed by any person in the world using the Internet or subscribing to Internet notification services.

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 consented to provide your personal data to the European Labour Authority, Cooperation Support Unit, *[Name of the team responsible (entity)]*, for the present processing operation. You can withdraw your consent at any time by notifying the Data Controller. The withdrawal will not affect the lawfulness of the processing carried out before you have withdrawn the consent.

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:

*[indicate controller entity, and (ONLY) functional mailbox)].*

### - 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-2022-0041: ELA research activities related to supporting cooperation between Member States.