



European Labour Authority

DATA PROTECTION OFFICER

RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA

DPR-ELA-2022- 0046 ELA Staff Committee activities

1 PART 1: PUBLIC - RECORD (ARTICLE 31¹)**1.1 GENERAL INFORMATION**

Record reference	DPR-ELA-2022- 0046
Title of the processing operation	ELA Staff Committee activities
Controller entity	ELA Staff Committee
Joint controllers	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES, fill in details below
Processor(s)	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES, fill in details below
Internal organisation(s)/entity(ies) Names and contact details	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES
External organisation(s)/entity(ies) Names and contact details	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES Microsoft Ireland South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, 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.
Data Protection Officer Name and contact details	Laura NUNEZ BAREZ European Labour Authority Landererova 12, 811 09 Bratislava I Slovakia Email: data-protection@ela.europa.eu
Corporate Record	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Language of the record	English

¹ 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

In accordance with the Staff Regulations and the Decision No 20/2021 of 10 November 2021 of the Management Board, the European Labour Authority (ELA) has set up a Staff Committee (ELA Staff Committee) to represent, promote and defend the interests of the staff vis-à-vis the ELA and facilitate the communication with the Management of the Authority.

In order to perform their functions, the ELA Staff Committee receives and processes personal information concerning members of the staff directly from the data subject, other staff members or by ELA HR Sector.

On the basis of this information, the ELA Staff Committee decides on issues to be flagged to the Executive Director and prepares the draft agenda for the meeting with the Director and/or Head of Units concerned.

For information purposes, the ELA Staff Committee receives on a regular basis an update on staff movements. This information is limited to name/surname, contract type, function group, grade, start and end of contracts, gender, nationality and the Unit/Sector.

ELA Staff Committee may use personal data for the following purposes:

- a) Conduct activities for understanding, acknowledging and ultimately for the representation, promotion and defence of the interests of the staff vis-à-vis the ELA;
- b) Maintain continuous contact between ELA and its staff and contribute to the smooth running of the Authority by providing a channel for the expression of opinion by the staff;
- c) Participate in any activity that has general implications concerning the interpretation and application of the Staff Regulations and the CEOS, and be consulted on any difficulty of this kind (such as recruitment, reclassification and promotion of staff among others).

In carrying out this function, the ELA Staff Committee member involved and the Staff Committee itself may receive and process personal information concerning the evaluation of the member of the staff involved or other staff members referred to in the specific request/complaint.

For some specific duties, when heavy workload justifies it, ELA Staff Committee may request support from volunteers among ELA Staff to assist them in their duties.

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
 - Any other, specify
- Anonymisation as soon as possible

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
2. Manual processing
 - a. Word documents
 - b. Excel sheet
 - c. Any other, specify

3. Any other mode, specify
Surveys, MS Forms or e-mail exchange.

Description

If transmitted by e-mail, the personal information is stored in the functional mailbox of the ELA Staff Committee, the e-file and/or the paper file for the maximum period of the duration of the appointed ELA Staff Committee.

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

Description:

ELA staff are provided with the MS O365 Office products to be able to access work documents from different devices and locations, and to carry out ELA’s tasks

1.2.5 Comments on the processing of the data

The applicable security measures concern the written records of the Staff Committee activities are the following:

A functional mailbox ELA Staff Committee has been created, which can be accessed only by (all) members of the Staff Committee and in some specific cases (such as long term absences) alternates. A request to add or delete access rights shall come from a current member and be made to ELA IT services through the ELA Staff Committee functional mailbox.

A specific internal space concerning Staff Committee matters has been created (Microsoft Teams, respective Sharepoint page and intranet page). Access to the efile is allowed only to Staff Committee Members and alternates. The paper file can be consulted, updated and physically kept by any members and/or alternates. It is stored in a locked cupboard in the office of the person who is physically holding it.

Emails and documents are printed out and archived in such e-files and/or the paper files only when necessary. Recollection of such correspondence is not needed in all cases. Therefore, as a rule personal communications are not saved or archived in the case file, unless a specific need exists.

The Staff Committee is bound to ensure the confidentiality of the communications received from the staff (as well as from its own members in the context in particular of preparatory meetings and internal deliberations on positions to be expressed to the ELA management). In particular, the views of the staff are conveyed to the management only with the consent of the data subject and anonymously, so as to exclude the identification of the persons concerned.

1.3 DATA SUBJECTS AND DATA CATEGORIES

1.3.1 Data subjects' categories

1.	Internal to organisation	Staff members of ELA
2.	External to organisation	External candidates applying for a position as official, temporary or contract agent, trainees who are not already working for the ELA as either official, temporary or contract agent or SNEs, trainees. External citizens

1.3.2 Data categories/fields

Indicate the categories of data that will be processed:

Name/Surname, nationality, gender, function, contractual information (contract type, function group, grade, start and end of contracts), contact details;

E-mails sent to or from the ELA Staff Committee or between ELA Staff Committee Members may contain personal data of the staff concerned, such as for example the views of the staff members on particular issues or the difficulties he or she is experiencing;

Internal reports or documents may contain in some cases the above data as well;

In case of complaints, information concerning the professional activities of the staff members, directly or indirectly concerned (e.g., tasks performed, evaluation by hierarchy, comparative assessment, etc.);

In case of participation of a ELA Staff Committee Member or ELA Staff Committee representative in the recruitment process, this activity will follow the process described in the Record “DPR-ELA-2022-0010 Selection and recruitment of staff, interimaire, Seconded National Experts(SNEs) National Liaison Officers (NLOs), and trainees”, and ELA Staff Committee Member or alternate will have access to the data categories described under the **Pre-selection and Selection procedure**, such as Name, surname, address, email address, phone number, gender, nationality, date of birth, as well as data regarding professional experience and working periods including in other Institutions/Agencies, education, language and skills as well as statutory link, function group and grade in case of candidates applying for inter-agency and inter-institutional procedures. This information is completed by a CV and a motivation letter. Further personal data processed during the selection phase will be the results of the candidate’s performance during the written and oral tests, interviews and written tests.

In case of high workload, ELA Staff Committee may request support from ELA Staff through Call for interest, in this case, ELA Staff Committee will have access to the following personal data from the volunteers/candidates:

Personal information: Name and surname, gender, nationality, languages.

Professional information: start date and type of contract, position, area of work, Unit and Sector, current function group and grade, experience and commitment related to the specific activity where the support is needed, confidentiality and conflict of interest forms.

It cannot be excluded that sensitive data/special categories of personal data may be collected and processed in exceptional circumstances, for example where a staff member reports on particular issues or the difficulties he or she is experiencing.

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.

Description:

In order to perform their duties, ELA Staff Committee may receive sensitive data/special categories of personal data **in exceptional circumstances**, for example where a staff member reports on particular issues or the difficulties he or she is experiencing.

If applicable, indicate the reasons under article 10(2) allowing the processing of the special categories of data:

- (a) The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, [...].
- (b) 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 [...].
- (c) 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.
- (d) Processing is carried out in the course of its legitimate activities with appropriate safeguards by a non-profit-seeking body which constitutes an entity integrated in a Union institution or body and with a political, philosophical, religious or trade-union aim [...].
- (e) Processing relates to personal data which are manifestly made public by the data subject.
- (f) Processing is necessary for the establishment, exercise or defense of legal claims or whenever the Court of Justice of the European Union is acting in its judicial capacity.
- (g) Processing is necessary for reasons of substantial public interest, [...]
- (h) 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 [...].
- (i) 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 health care and of medicinal products or medical devices [...].
- (j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes [...].

1.3.2.2 Data related to 'criminal convictions and offences'

The data being processed contain sensitive data which fall(s) under Article 11 'criminal convictions and offences'	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	Optional	
		Start date/moment	End date/moment
All data categories related to a specific case	Will be processed during the limited period in which the case is open and anonymised as soon as the case is closed, with the exemption where the information will be needed in a later stage or for a follow-up of the case.	When a case is assigned to a member of the Staff Committee.	When the case is closed.
Aggregated statistics	Will be kept for the maximum period of the duration of the appointed Staff Committee plus one year.		

Personal data related to the update list of staff	Monthly, ELA Staff Committee will receive an update from HR colleagues and this update will be kept for the maximum period of the duration of the appointed Staff Committee plus one year. The current list of staff will be continuously updated with the information received from HR Sector, in order to assure business continuity.
Personal data related to call for interest	Will be kept for the time defined in the specific call.

1.5 RECIPIENTS

Origin of the recipients of the data	
1. <input checked="" type="checkbox"/> Within the EU organization	ELA Staff Committee
2. <input type="checkbox"/> Outside the EU organization	N/A

Categories of the data recipients
1. <input checked="" type="checkbox"/> A natural or legal person
2. <input type="checkbox"/> Public authority
3. <input type="checkbox"/> Agency
4. <input type="checkbox"/> Any other third party, specify

Description

Data can be accessed only by Staff Committee members and in some specific cases (such as long term absences) alternates.

1.6 INTERNATIONAL DATA TRANSFERS

Transfer to third countries or international organisations of personal data	
1. Transfer outside of the EU or EEA <input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur <input type="checkbox"/> YES,	
Country(ies) to which the data is transferred	
2. Transfer to international organisation(s) <input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur <input type="checkbox"/> Yes, specify further details about the transfer below	
Names of the international organisations to which the data is transferred	
3. Legal base for the data transfer <input type="checkbox"/> Transfer on the basis of the European Commission's adequacy decision (<i>Article 47</i>) <input type="checkbox"/> Transfer subject to appropriate safeguards (<i>Article 48.2 and .3</i>), specify: <ol style="list-style-type: none"> 2. (a) <input type="checkbox"/> A legally binding and enforceable instrument between public authorities or bodies. Standard data protection clauses, adopted by 	

<p>(b) <input type="checkbox"/> the Commission, or</p> <p>(c) <input type="checkbox"/> the European Data Protection Supervisor and approved by the Commission, pursuant to the examination procedure referred to in Article 96(2) .</p> <p>(d) <input type="checkbox"/> Binding corporate rules, <input type="checkbox"/> Codes of conduct , <input type="checkbox"/> Certification mechanism pursuant to points (b), (e) and (f) of Article 46(2) of Regulation (EU) 2016/679, where the processor is not a Union institution or body.</p> <p>3. Subject to the authorisation from the European Data Protection Supervisor:</p> <p><input type="checkbox"/> Contractual clauses between the controller or processor and the controller, processor or the recipient of the personal data in the third country or international organisation.</p> <p><input type="checkbox"/> Administrative arrangements between public authorities or bodies which include enforceable and effective data subject rights.</p> <p><input type="checkbox"/> Transfer based on an international agreement (<i>Article 49</i>), specify</p>
<p>4. Derogations for specific situations (Article 50.1 (a) –(g))</p> <p><input checked="" type="checkbox"/> N /A</p>

Description

There are no transfers of personal data to third countries or international organisations.

1.7 INFORMATION TO DATA SUBJECTS ON THEIR RIGHTS

Rights of the data subjects
<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 and the ELA Staff Committee)
- External website (URL: <https://www.ela.europa.eu/en/privacy-policy>)

Other form of publication, specify

Privacy Statement will be sent to the staff upon request and will be available in the relevant internal spaces/websites.

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:

Guidance on data subjects available in ELA's main website.

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.