

## PROTECTION OF YOUR PERSONAL DATA

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

**Processing operation:** EU Learn in the European Labour Authority

**Data Controller:** The European Labour Authority, Resources Unit, Human Resources Sector (ELA HR Sector)

**Record reference:** DPR-ELA-2023-0007

### 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 "EU Learn in the European Labour Authority" undertaken by the European Labour Authority, Resources Unit, Human Resources Sector (ELA HR Sector) is presented below.

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

Purpose of the processing operation: The HR Sector collects and uses your 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 enrol, 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.

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) 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;

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

(c) the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

And

In relation to the external trainers (short bio and photograph):

(d) you have given consent to the processing of your personal data for one or more specific purposes.

Legal basis:

- Article 24(a) of the Staff Regulations.
- Article 45.2 of the Staff Regulations of Officials and the Conditions of Employment of Other Servants (CEOS) of the European Economic Community and the European Atomic Energy Community stating that “Officials shall be required to demonstrate before their first promotion after recruitment the ability to work in a third language among those referred to in Article 55(1) of the Treaty on European Union.
- Model Decision adopted via the Management Board Decision 22/2022 24 November 2022 on the framework for Learning and Development
- The Learning and Development Plan adopted by the European Labour Authority

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, the HR Sector collects the following categories of personal data:

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).

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

*For external trainers, regarding your short bio and photograph:*

The provision of personal data is not mandatory.

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

The HR Sector only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for:

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).
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## **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](#)).

All processing operations are carried out pursuant to the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.

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.

*Please note that pursuant to Article 3(13) of the Regulation, public authorities (e.g. Court of Auditors, EU Court of Justice) which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients. The processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.*

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.

*For external trainers, regarding your short bio and photograph:*

You have consented to provide your personal data to the HR Sector 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:

[Learning@ela.europa.eu](mailto:Learning@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-2023-0007 EU Learn in the European Labour Authority.