

## PROTECTION OF YOUR PERSONAL DATA

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

**Processing operation:** ELA Analytical and Risk Assessment Capacity supporting Concerted and Joint Inspections

**Data Controller:** European Labour Authority, Enforcement and Analysis Unit

**Record reference:** DPR-ELA-2022-0047

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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 Analytical and Risk Assessment Capacity supporting Concerted and Joint Inspections" undertaken by the Enforcement and Analysis Unit is presented below.

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

Purpose of the processing operation: The Enforcement and Analysis Unit collects and uses your personal information to develop an analytical and risk assessment capacity to provide analytical and risk assessment support to Member States to:

- assist them in fulfilling their enforcement obligations under EU law,
- enable and facilitate targeted enforcement approaches,
- enhance operational and cost-effectiveness and
- contributing to the national analytical and risk assessment capacities.

As part of its activities, the Analysis and Risk Assessment sector (Analysis sector) in the Enforcement and Analysis Unit, assesses risks and carries out labour mobility analyses in cooperation with Member States and, where appropriate, the social partners and EU services, agencies and networks active in the field of social policy and employment.

*When presenting a case for a concerted and joint inspection and specifically when submitting a case description and any supporting documents, Member States authorities shall ensure that all personal data related to that case are removed or anonymised in such a manner that the data subject is no longer identifiable.*

*The Authority will not process the personal data of individuals concerned by the case at any point in the course of these activities. If for any reason, any personal data is transmitted to the Authority, it will be deleted as soon as it is detected. The case handler could contact the authority that submitted the personal data in order to inform them about the irregular transmission and request an anonymised/redacted version of the relevant documents.*

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:

- Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority (ELA Regulation) – Articles 9 and 10.
- Decision No 20/2022 of 15 December 2022 of the ELA Executive Director on the establishment of ELA Analytical and Risk Assessment Support for Concerted and Joint Inspections (updated version under EDPS consultation)
- Regulation (EU) 2018/1725 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

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 Enforcement and Analysis Unit collects the following categories of personal data:

##### **Internal to the organisation**

The staff of the Analysis sector working on a specific analysis, CJL case handler: full name, role and case handled.

For security purposes and calculation of credits consumed, the European Labour Authority keeps also the search history of the analysts.

##### **External to the organisation**

The analytical report identifies, where available, inter alia, main accountancy information, company's ownership structure (as long as it involves legal persons), the extent and nature of economic activities in individual countries, physical location of the company seat and its branches, relevant business links with other companies within the European Union internal market, and structural or financial links with the parent company or with affiliates in the company network, or other companies that have links to it due the nature of their ownership and/or business.

The main focus of the analytical report and the research performed by the analytical activities are legal persons, only residually personal data may be obtained as a result of a research. The personal data will be immediately disregarded and will not be included in the analytical report.

**No personal data related to any analytical support shall be stored in the Authority.**

ELA Staff will not act upon personal data by any means.

#### For internal organisation related personal data:

The provision of personal data is mandatory to meet our tasks in a secure and transparent manner. If you do not provide your personal data, we will not be able to fulfil our obligations.

For external to the organisation personal data:

We have obtained your personal data from two public databases: [ORBIS](#) and [Dun & Bradstreet](#) (Data Altares).

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

The Enforcement and Analysis Unit only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for:

Personal data of ELA Staff	As soon as the support to the Member States linked to a concerted and/or joint inspection is finalized and <b>no longer than 5 years</b> from the initial request to support by the Member State (unless the case remains open)
Search history of the analysts	Maximum 6 months, unless a security investigation is triggered, in which case the Record “DPR-ELA-2022-0055 Security investigations” will apply.
Personal data related to a legal person obtained in a query	Will be immediately destroyed/deleted once detected.

**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/processors.

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:

Search history of the analysts might be accessed by the Head of Sector, Head of unit if an incident is triggered or by CERT-EU staff in case of a security investigation.

Case handler or analyst assigned to a specific case, together with the Analysis Head of Sector will have access to all data related to the legal person.

The analytical report will not contain any personal data.

*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.

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:

[analysis@ela.europa.eu](mailto:analysis@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-2022-0047 ELA Analytical and Risk Assessment Capacity supporting Concerted and Joint Inspections.