

## **PROTECTION OF YOUR PERSONAL DATA**

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

**Processing operation:** ELA staff statistics

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

**Record reference:** DPR-ELA-2023-0024

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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 staff statistics" undertaken by Resources Unit, HR Sector is presented below.

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

Purpose of the processing operation: Resources Unit, HR Sector collects and uses your personal information to make reports and visualisations of the European Labour Authority's (ELA) past and present staff situation. These reports are mainly focused on anonymous and aggregated HR data on workforce, for example overview of posts, filled in posts, vacant posts, type of contract, staff demographics, e.g. distribution of gender and gender ratio, age and average age, and nationality and distribution of staff per geographical area.

HR sector also produces specific statistics, per request of relevant actors, and for different purposes such as budgetary, organisational or management reasons. For example at the request of the European Parliament for the annual budget discharge, the Management Board for the Annual activity report or Single Programming Document.

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) 2018/1725:

(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.

We do not collect special categories of data, therefore, Article 10 of Regulation (EU) 2018/1724 does not apply.

**Clarification:** We collect nationality and gender in order to monitor and follow up these criteria and comply with our commitment to ensure an appropriate gender balance and an appropriate representation of members from all EU countries. Age criteria is collected in range of 10 years (staff in their 20s, 30s, 40s, etc.).

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

In order to carry out this processing operation Resources Unit, HR Sector collects the following categories of personal data:

- Name and surname
- Type of contract (Temporary Agent, Contract Agent, SNE, NLO, TR or Interimaires)
- Gender and distribution of gender per type of contract
- Age and distribution of age per type of contract
- Nationality and distribution of staff per geographical area

The provision of personal data is mandatory to meet legal and contractual obligations, mainly foreseen in Staff Regulation, and ensure a proper management of the Agency. If you do not provide your personal data, we will not be able to fulfil our obligations.

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

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

According to **ELA Filing Plan**> **6. Human resources management** the following retention periods apply:

##### 6.3: Selection and recruitment:

- contract staff, temporary staff and seconded national experts: 10 years
- interim staff: 5 years
- trainees: 10 years
- candidate files (reserve list candidates : for the validity of the list, eliminated candidates: 2 years)

##### 6.4 Unsolicited applications: 2 years

##### 6.5 Performance and career development

- personnel files: 10 years
- trainee files: 50 years
- learning and development: 5 years
- recognition: 2 years
- professional conduct and discipline: Files that have not given rise to administrative investigations (2 years), Investigations without disciplinary consequences (5 years) and Investigations with disciplinary consequences and disciplinary procedures (20 years).

##### 6.6 Article 90 and 24 complaints :5 years

##### 6.7 Payroll :20 years

Anonymised reports will be kept for statistical and research purposes.

#### **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.

The recipients of personal data are ELA Staff on a need to know basis. Outside the organisation, the recipients of personal data are the ELA Management Board, European Parliament, external auditors, or any other EU institution or body/national authority with a specific legal basis to request relevant statistics.

More specifically, recipients of raw data are limited to ELA HR Sector colleagues working on this specific process and the Head of Sector. Recipients of aggregated/pseudonymised data (percentages) are all ELA Staff. In some specific cases due to the small size of the Agency, percentage can be directly assigned to one person (e.g. 1 Spanish contract agent). Anonymised reports will be shared with the Management Board, the European Parliament or external auditors upon request.

Relevant anonymised statistics will be made publicly available through relevant reports.

*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.*

#### **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, Resources Unit, HR Sector: [hr@ela.europa.eu](mailto:hr@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-2023-0024 ELA staff statistics.