

PROTECTION OF YOUR PERSONAL DATA

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

Processing operation: Handling request for access to documents lodged under Decision No 8/2020 of 24 April 2020 of the Management Board laying down the rules for applying Regulation (EC) 1049/2001 with regard to European Labour Authority documents

Data Controller: European Labour Authority

Record reference: DPR-ELA-2022-0002

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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 "*Handling request for access to documents lodged under Decision No 8/2020 of 24 April 2020 of the Management Board laying down the rules for applying Regulation (EC) 1049/2001 with regard to European Labour Authority documents*" undertaken by the European labour Authority (ELA) is presented below.

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

Purpose of the processing operation: The European Labour Authority collects and uses your personal information to handle requests for access to documents lodged under Decision No 8/2020 of 24 April 2020 of the Management Board laying down the rules for applying Regulation (EC) 1049/2001 with regard to European Labour Authority documents within the prescribed legal deadlines and of establishing an annual statistical report as required by Article 17(1) of the latter regulation. The personal data may be processed for the purpose of following up on an inquiry by the European Ombudsman or in case of court proceedings.

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

Legal basis:

The processing pursuant to Articles 5(1)(a) and (b) needs to be based on Union law, namely Article 15(3) of the Treaty on the Functioning of the European Union and Decision No 8/2020 of 24 April 2020 of the Management Board laying down the rules for applying Regulation (EC) 1049/2001 with regard to European Labour Authority documents.

We do not handle **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 European Labour Authority collects the following categories of personal data:

a) Personal data provided by the applicant via the online form:

- Compulsory data: Name, contact details (e-mail and postal address, country of residence), subject of the request (it may contain personal data in case it relates to an identified or identifiable natural person) and organisation;

b) Personal data, which the applicant provided in his/her application, submitted in another electronic or paper format;

c) Personal data contained in the documents requested.

d) When there are reasonable doubts concerning the identity of the natural person making the request, the European Labour Authority may ask the applicant to provide a **copy of an identification document** (for example, a passport or identity card) in order to verify his/her identity, in the following exceptional circumstances:

- where the documents concerned by the request contain the applicant's own personal data and the applicant is granted individual access to such documents;
- where there are legitimate reasons to consider that the right to access stemming from Decision No 8/2020 of 24 April 2020 of the Management Board laying down the rules for applying Regulation (EC) 1049/2001 with regard to European Labour Authority documents is being abused by that particular applicant.

The identification document should contain the applicant's name and, if applicable, his/her postal address, while any other data such as a photograph or any personal characteristics may be blacked out.

The provision of personal data is mandatory to meet a legal requirement: Decision No 8/2020 of 24 April 2020 of the Management Board laying down the rules for applying Regulation (EC) 1049/2001 with regard to European Labour Authority documents. 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?**

The European Labour Authority only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for 5 years after the closure of the file.

Following ELA filing plan and specific retention list, under 7.6 Relations with citizens, is specified 5 years for ELA.7.6.2 Applications for access to documents: Files covering applications for access to documents.

The start date is the closure of a case-file. .

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 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.

Pursuant to point (13) of Article 3 of Regulation (EU) 2018/1725, public authorities 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 further 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>

compliance@ela.europa.eu.

- **The Data Protection Officer (DPO) of ELA**

You may contact the Data Protection Officer (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) 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.

This specific processing operation has been included in the DPO's public register with the following Record: DPR-ELA-2022-0002 Handling request for access to documents lodged under Decision No 8/2020 of 24 April 2020 of the Management Board laying down the rules for applying Regulation (EC) 1049/2001 with regard to European Labour Authority documents.