



European Labour Authority

DATA PROTECTION OFFICER

RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA

DPR-ELA-2022-0006 External complaints in the field of European labour mobility

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

Record reference	DPR-ELA-2022-0006
Title of the processing operation	External complaints in the field of European labour mobility
Controller entity	European Labour Authority, Governance and Coordination, Compliance team (ELA Compliance team)
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
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.
Data Protection Officer Name and contact details	Laura NUNEZ BAREZ Landererova 12, 811 09 Bratislava I Slovakia Email: data-protection@ela.europa.eu
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

According to Article 7 of Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, the European Labour Authority (ELA) shall facilitate the cooperation and acceleration of exchange of information between Member States and support their effective compliance with cooperation obligations, including on information exchange, as defined in Union law.

In order to support these activities, ELA is also bound by its Code of Good Administrative Behaviour adopted by the ELA Management Board in March 2022. Therefore, the ELA Compliance team shall handle any complaints received directly from citizens, and register the incoming information into the External Complaints Registry, with a registration number, and a reference to the responsible staff and relevant National Liaison Officer(NLO).

Following an initial assessment, the responsible staff member shall draft a reply letter and, if relevant and appropriate, send it to the relevant NLO for their comments or any, additional information. If relevant and within ELA's remit and mandate, NLOs may decide to contact their national authorities for further information related to the actual complaint.

In case ELA received the external complaint in any of the EU MS official languages, the compliance team will request the relevant NLO to provide translation support.

The responsible staff shall send the reply to the external citizen. The reply letter shall mention the registration number of the External complaint.

Submit any formal complaints against the European Labour Authority and its staff;
Report fraud or suspicion of fraudulent activities by the European Labour Authority or its staff;

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

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
Registration in the External Complaints Registry
3. ☐ Any other mode, specify

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
4. ☐ Others, specify

Description:

Personal data in paper format is stored in the Governance and Coordination Unit of the European Labour Authority.

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.

1.2.5 Comments on the processing of the data

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.

1.3 DATA SUBJECTS AND DATA CATEGORIES**1.3.1 Data subjects' categories**

1. Internal to organisation	<input checked="" type="checkbox"/> Yes ELA Compliance team.
2. External to organisation	<input checked="" type="checkbox"/> Yes All persons sending their query / complaint to the European Labour Authority

1.3.2 Data categories/fields

Content of the query/complaint submitted to ELA Compliance Team received by e-mail:

Name and Surname

Address

ID number, copy of ID or passport

Social security number

Nationality

Complaint/request concerning a specific situation that can possibly include: social security entitlements such as insurance periods, employers, medical data or family status.

In some cases, we may receive special categories of data: health data or trade union membership.

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:

Data concerning health or trade union membership may be shared by the citizen with ELA Compliance team.

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 [...].

Additional information

The citizen send his/her data directly to ELA Compliance team by email or post.

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"/>
Description: This process of personal data does not aim to collect data related to criminal convictions and offences, nevertheless,if, by accident the European Labour Authority received any personal data related to a particular case, it will be immediately destroyed. The European Labour Authority will inform and remind the person concerned/ Member State concerned of the unsolicited reception of personal data.	

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 received in a particular query	3 years. After this period, the data will be anonymised and kept for statistical purposes.		

Description

The individual cases are kept not only until the individual situation is clarified but also for follow up purposes with regard to Member States. After this period, files will be anonymized and only kept for statistical purposes.

ELA.7.6 Relations with citizens:ELA.7.6.4 - Complaints about maladministration/Infringements of the Code of Good Administrative Behaviour - Files documenting the handling of complaints received by ELA from citizens who consider that ELA has not treated them in accordance with the principles of legality, non-discrimination, proportionality of measures to their objective or consistency in administrative behaviour

1.5 RECIPIENTS

Origin of the recipients of the data	
1. <input checked="" type="checkbox"/> Within the EU organization	ELA Compliance team
2. <input checked="" type="checkbox"/> Outside the EU organization	If relevant and appropriate, NLOs may decide to contact their national authorities for further information related to the actual complaint.

Categories of the data recipients
1. <input checked="" type="checkbox"/> A natural or legal person 2. <input checked="" type="checkbox"/> Public authority 3. <input checked="" type="checkbox"/> Agency 4. <input type="checkbox"/> Any other third party, specify
Specify who has access to which parts of the data: ELA Compliance team will have access to all data sent by the data subject and share when necessary with NLO for their comments or any, additional information.
If relevant and appropriate, NLOs, as designated contact point, may decide to contact their national authorities for further information related to the actual complaint. Only necessary data to identify the complaint will be shared, on a need to know basis.

Description

In order to provide a coordinated and efficient support to citizens, in some specific cases, the NLO may decide to contact their national authorities. This process will be covered by Record “DPR-ELA-2022-0015 National Liaison Officers (NLOs) activities on cooperation and exchange of information with Member States”

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,
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

Description

N/A

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)
- External website ☒ (URL: <https://www.ela.europa.eu/en/privacy-policy>)

☒ 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:

The Privacy Statement will be sent to the data subject within the first communication.

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.