

## **PROTECTION OF YOUR PERSONAL DATA**

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

**Processing operation:** Staff promotion and reclassification procedure

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

**Record reference:** DPR-ELA-2022-0030

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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 'Staff promotion and reclassification procedure' undertaken by the European Labour Authority, Resources Unit, HR Sector (ELA HR Sector) is presented below.

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

Purpose of the processing operation: The ELA HR Sector collects and uses your personal information to conduct the annual reclassification exercise of temporary and contract agents and the complaints against non-inclusion list.

According the [Decision No 09/2021 of 25 May 2021](#) laying down general implementing provisions regarding Article 54 of the Conditions of Employment of Other Servants of the European Union and [Decision No 10/2021 of 25 May 2021](#) on general implementing provisions regarding Article 87(3) of the Conditions of Employment of Other Servants of the European Union (Reclassification of Contract Agents), the Management Board of the European Labour Authority (ELA) has adopted a reclassification system applicable to the ELA temporary staff and contract agents based on consideration of the comparative merits of the temporary staff eligible for reclassification, taking account of the reports on them, the use of languages in the execution of their duties other than the language for which they have produced evidence of thorough knowledge and the level of responsibilities exercised by them.

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

Legal basis:

- Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344;
- Article 45 of Staff Regulations;
- Articles 54 and 87 (3) of CEOS;
- Decision No 09/2021 of 25 May 2021 laying down general implementing provisions regarding Article 54 of the Conditions of Employment of Other Servants of the European Union (Reclassification of Temporary Agents);

- Decision No 10/2021 of 25 May 2021 on general implementing provisions regarding Article 87(3) of the Conditions of Employment of Other Servants of the European Union (Reclassification of Contract Agents)

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 ELA HR Sector collects the following categories of personal data:

##### **ELA Temporary Agents and Contract Agents**

- Name and last name;
- Personal number
- Grade and step; contract duration, job title, career stream, function group, grade, seniority date in grade, statutory link, job assignments (current and past), working conditions including teleworking if applied, the number of days of leave on personal ground/unpaid leave taken during the promotion exercise reference period;
- Comparative merits of the staff eligible for reclassification, appraisal reports, the use of languages and the level of responsibilities exercised;
- Average career equivalence, multiplication rates and budgetary impact;

##### **Joint reclassification Committee**

- Name, Surname, job title, function, grade, Unit
- Deliberations, documents, vote
- Conflict of interest signed
- Complaints received by the Joint Reclassification Committee

The provision of personal data is mandatory to meet a legal requirement: Staff Regulation and Specific decisions of the Authority. If you do not provide your personal data, we will not be able to fulfil our obligations.

We have obtained your personal data from Sysper 2. This process is covered by the Record 'DPR-EC-01230.3 Technical and organisational data in SYSPER' owned by the European Commission, Directorate General Human Resources and Security (HR).

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

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

All data categories related to the eligible staff: Individual decisions on reclassification are kept in data subjects' personnel files. In line with ELA's File retention plan, all documents included in the personnel files are kept for 10 years following the termination of employment or the last pension payment

List of staff members reclassified: It will be kept for historical and archival 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 Executive Director and Joint Reclassification Committee will have access to all data categories. Specific staff from ELA HR Sector will have access to all data categories according to the 'need to know basis'.

The information on the promoted staff will be shared with PMO (for salary modifications) and in case of an appeal, the data may be transferred to the ELA Legal officer, European Commission DG HR Complaints Unit for legal support, the European Ombudsman, the Court of Justice of the European Union and external authorised persons involved in the litigation procedure.

Publication of lists in Insite accessible to statutory staff:

- lists of staff eligible for promotion/reclassification;
- lists of staff proposed for promotion/reclassification;
- lists of staff promoted/reclassified.

These lists could include: the name, surname, career stream/classification of the post occupied, function group, grade and statutory link.

*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:

[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-2022-0030 Staff promotion and reclassification procedure.