



**European Labour Authority**

**DATA PROTECTION OFFICER**

**RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA**

DPR- ELA-2022-0001: Register of personal data breaches in the European Labour Authority

## 1.1 GENERAL INFORMATION

<b>Record reference</b>	DPR- ELA-2022- 0001
<b>Title of the processing operation</b>	Register of personal data breaches in the European Labour Authority
<b>Controller entity</b>	European Labour Authority, Resources Unit, Data Protection Officer
<b>Joint controllers</b>	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES, fill in details below
<b>Processor(s)</b>	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES, fill in details below
<b>External organisation(s)/entity(ies) Names and contact details</b>	<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.
<b>Data Protection Officer Name and contact details</b>	Laura NUNEZ BAREZ Landererova 12, 811 09 Bratislava I Slovakia Email: data-protection@ela.europa.eu
<b>Corporate Record</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Language of the record</b>	English
<b>Record Model</b>	<input checked="" type="checkbox"/> N/A

## 1.2 PURPOSE AND DESCRIPTION OF THE PROCESSING

### 1.2.1 Purpose

The Data Protection Officer collects and further processes personal data to:

- monitor and help ensure compliance of European Labour Authority with Regulation (EU) 2018/1725 in the event of personal data breaches;
- manage a Register of personal data breaches, where the European Labour Authority, as controller, documents personal data breaches (by comprising the facts relating to the personal data breaches, their effects and the remedial actions taken); and
- respond to the requests of the European Data Protection Supervisor concerning personal data breaches in the European Labour Authority.

### 1.2.2 Processing for further purposes

- Archiving in the public interest
- Scientific or historical research purposes
- Statistical purposes

### 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

### 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

#### Description:

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  Any individuals, whose personal data are processed by the European Labour Authority as controller or its processors, might potentially be affected by a personal data breach.  In particular, the personal data of the following data subjects may be processed:  Controllers and delegate controllers of European Labour Authority units/sectors involved in a personal data breach;  European Labour Authority staff who inform the Data Protection Officer of a personal data breach, and/or are involved in managing a personal data breach.
2. External to organisation	<input checked="" type="checkbox"/> Yes  Any individuals, whose personal data are processed by the European Labour Authority as controller or its processors, might potentially be affected by a personal data breach.  In particular, the personal data of the following data subjects may be processed:  Any individual who informs the Data Protection Officer of a personal data breach; Responsible staff of the European Labour Authority's processor (if relevant) who inform the Data Protection Officer of a personal data breach, and/or are involved in managing the personal data breach; EDPS staff who request the cooperation of the Data Protection Officer when they are verifying the European Labour Authority's compliance with Regulation (EU) 2018/1725 as regards personal data breaches.

### 1.3.2 Data categories/fields

Any personal data, processed by the European Labour Authority as controller or its processors, might potentially be affected by a personal data breach.

For the purpose of this processing operation, in particular the following personal data are processed:

- Contact details of the Controllers and delegates controllers of The European Labour Authority units/sectors involved in a personal data breach;
- Contact details of European Labour Authority staff who inform the Data Protection Officer of a personal data breach, and/or are involved in managing the personal data breach;
- Contact details of any other individual who informs the Data Protection Officer of a personal data breach;
- Contact details of the responsible staff of the European Labour Authority's processor (if relevant) who inform the Data Protection Officer of a personal data breach, and/or are involved in managing the personal data breach;
- Contact details of the staff of the European Data Protection Supervisor ('EDPS') who request the cooperation of the Data Protection Officer when they are verifying the European Labour Authority's compliance with Regulation (EU) 2018/1725 as regards personal data breaches.
- Other contact details of staff who were involved in the incident.
- Personal information of the individuals who were affected by the breach.

The provision of the above-mentioned personal data is necessary for the efficient monitoring by the Data Protection Officer and supervision of compliance by the EDPS.

The Data Protection Officer does not collect special categories of personal data under Articles 10 and 11 of Regulation (EU) 2018/1725. However, any personal data, processed by the European Labour Authority

or its processors (including special categories of personal data), might potentially be communicated to the Data Protection Officer for the purpose of managing a particular personal data breach.

The European Labour Authority units/sectors are advised not to transmit to the Data Protection Officer any personal data of the individuals who were affected by a specific personal data breach. However, in certain cases it might be necessary that the Data Protection Officer process some personal data of those individuals in order to advise them on how to ensure compliance with Regulation (EU) 2018/1725 when managing a particular personal data breach.

The Data Protection Officer obtains the above-mentioned personal data from the European Labour Authority staff and other individuals who inform her of a personal data breach or request her assistance in the management of that personal data breach.

**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.

**N/A**

**1.3.2.2 Data related to 'criminal convictions and offences'**

<p><b>The data being processed contain sensitive data which fall(s) under Article 11 'criminal convictions and offences'</b></p>	<p><b>N/A</b> <input checked="" type="checkbox"/></p> <p><b>Yes</b> <input type="checkbox"/></p>
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**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:

**Description**

The Data Protection Officer of the European Labour Authority will keep personal data for 5 years after closure of the case. We may keep it for longer if circumstances such investigations, appeals are ongoing at the planned expiration date.

**1.5 RECIPIENTS**

<p><b>Origin of the recipients of the data</b></p>
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<p>1. <input checked="" type="checkbox"/> Within the EU organization</p>	<p>Access to personal data is provided to the European Labour Authority staff responsible for carrying out this processing operation and to other authorised European Labour Authority staff responsible for or involved in managing the personal data breach incidents according to the “need to know” principle. Such staff abide by statutory and, when required, additional confidentiality obligations. In principle: The Local Information Security Officer, the Local Security Officer, the Data Protection Officer, and Controller and delegate controllers responsible for the processing operation concerned by the breach.</p> <p>The Register of personal data breaches and other relevant European Labour Authority document repositories that contain information concerning personal data breaches are not public. Only the European Labour Authority staff, on a need-to-know basis, may have access to the personal data in that Register and in other relevant document repositories.</p>
<p>2. <input checked="" type="checkbox"/> Outside the EU organization</p>	<p>The staff of the EDPS as a supervisory authority tasked with the management of data breach on a need to know basis. Other recipients may be addressed on a case by case situation with the purpose of a good outcome of the breach such as the CERT-EU, the computer emergency response team of the EU institutions, bodies and agencies.</p> <p>Pursuant to Article 3(13) of Regulation (EU) 2018/1725, public authorities (e.g. the European Data Protection Supervisor, 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 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.</p> <p>The personal data 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.</p>

#### Categories of the data recipients

1.  A natural or legal person
2.  Public authority
3.  Agency
4.  Any other third party, specify

Specify who has access to which parts of the data:

ELA DPO and the European Data Protection Supervisor have access to the documentation of all cases of personal data breaches of which the Data Protection Officer was informed. Other European Labour Authority authorised staff have access to limited sets of personal data in accordance with the “need to know” principle.

**1.6 INTERNATIONAL DATA TRANSFERS**

<b>Transfer to third countries or international organisations of personal data</b>
<p><b>1. Transfer outside of the EU or EEA</b></p> <p><input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur</p> <p><input type="checkbox"/> YES,</p>
<p><b>2. Transfer to international organisation(s)</b></p> <p><input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur</p> <p><input type="checkbox"/> Yes, specify further details about the transfer below</p>
<p><b>3. Derogations for specific situations (Article 50.1 (a) –(g))</b></p> <p><input checked="" type="checkbox"/> N /A</p> <p><input type="checkbox"/> Yes, derogation(s) for specific situations in accordance with article 50.1 (a) –(g) apply (ies).</p>

**1.7 INFORMATION TO DATA SUBJECTS ON THEIR RIGHTS**

<b>Rights of the data subjects</b>
<p><i>Article 17 – Right of access by the data subject</i></p> <p><i>Article 18 – Right to rectification</i></p> <p><i>Article 19 – Right to erasure (right to be forgotten)</i></p> <p><i>Article 20 – Right to restriction of processing</i></p> <p><i>Article 21 – Notification obligation regarding rectification or erasure of personal data or restriction of processing</i></p> <p><i>Article 22 – Right to data portability</i></p> <p><i>Article 23 – Right to object</i></p> <p><i>Article 24 – Rights related to Automated individual decision-making, including profiling</i></p>

**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: ELA Personal data protection Sharepoint)
- External website  (URL: <https://www.ela.europa.eu/en>)

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.

Available on ELA website: <https://www.ela.europa.eu/en/privacy-policy>

**Description:**

Privacy Statement will be attached to the data subjects within the first communication with them.

## 1.8 SECURITY MEASURES

Short summary of overall Technical and Organizational Measures implemented to ensure Information Security:

**Description:**

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored on the servers of the European Labour Authority or 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 the EU Member States ('GDPR' Regulation (EU) 2016/679).

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.