



European Labour Authority

DATA PROTECTION OFFICER

RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA

DPR-ELA-2022-0015 National Liaison Officers (NLOs) activities on cooperation and exchange of information with Member States

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

Record reference	DPR-ELA-2022-0015
Title of the processing operation	National Liaison Officers (NLOs) activities on cooperation and exchange of information with Member States
Controller entity	European Labour Authority, Cooperation Support Unit, Cooperation and NLOs Office (ELA Cooperation and NLOs Office 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
Internal organisation(s)/entity(ies)	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES
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
Corporate Record	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Language of the record	English
Record Model	<input checked="" type="checkbox"/> N/A

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

The objective of this process is to cover the activities performed by the European Labour Authority (ELA) National Liaison Officers (NLOs), in order to facilitate the cooperation and acceleration of exchange of information between Member States and support their effective compliance with cooperation obligations, including on information exchange.

This record covers the following activities:

- Identification of the relevant national contact points
- follow up to requests for exchange of information and administrative data between national authorities (NLOs requests)
- provide information and follow up to requests for accelerating information exchange on individual cases concerning the application of Union law on cross-border mobility, including tackling cross-border fraud
- provide information to support Member States in the effective application of the Union Law, on cross border mobility and combatting cross border fraud
- register of consultations

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
- Pseudonymized data when relates to the Internal Market Information System (IMI).

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
3. Any other mode, specify

Description

This process is linked to the Internal Market Information System (IMI) owned by the European Commission, the DG Internal Market, Industry, Entrepreneurship and SMEs (DG GROW). This system aims to improve the functioning of the Single Market by facilitating administrative cooperation and mutual assistance between Member States. It does so by providing a reliable tool for the secure exchange of information (including certain personal data) between national administrations of the EEA Member States and, where provided for in applicable Union acts, the Commission, Union bodies, offices and agencies. IMI system is covered by Record “DPR-EC-00373 Internal Market Information System” available [here](#).

This process is also linked to the Electronic Exchange System on social security (EESSI) system, owned by ELA and covered by record “DPR-ELA-2022- 0016 Electronic Exchange System on social security (EESSI)”.

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

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	ELA Cooperation and NLOs Office Head of Unit of Cooperation Support Unit
2. External to organisation	Citizens who are the subject of an information exchange stored or not in IMI, or EESSI National IMI and EESSI Coordinators IMI and EESSI users in competent national authorities

1.3.2 Data categories/fields

Identification the relevant contact points

Name, surname, organization, Member State, email, telephone and job position.

Follow up request for cooperation and accelerating information exchanges between national authorities (NLO requests)

Date case received, requesting Member State, requested Member State, national institutions, type of request (e.g. exchange of information, follow up, cases status, contact point), subject of request (abstract of the case), area of cooperation, case status (e.g. case closed positive (data and result), in progress, etc.), date case closed, result, response time.

In some specific cases, individual cases referred by national authorities to ELA/NLOs may contain personal data which can also be of a sensitive nature. This is necessary for ELA's NLOs to follow up the particular case with the NLO of another Member State with a view to sort out the cooperation dispute or to speed up the exchange of information on the individual's particular case. In these cases, a reference to the IMI reference number, trade union membership data, social security affiliation/number, private companies TVA number, registration and/or fiscal data could be exchanged.

This should be considered pseudonymized data, as neither ELA nor the NLOs has access to this system.

Provide information to support Member States in the effective application of the Union Law

Name, surname, organization, Member State represented, email, telephone, job position, request/enquiry.

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:

In some specific circumstances, individual cases referred by national authorities to ELA/NLOs may contain personal data which can also be of a sensitive nature. This is necessary for ELA's NLOs to follow up the particular case with the NLO of another Member State with a view to sort out the cooperation dispute or to speed up the exchange of information on the individual's particular case. In these cases, a reference to trade union membership data or health data could be exchanged.

This should be considered pseudonymized data, as neither ELA nor the NLOs has access to this system.

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 [...].

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 type="checkbox"/> Yes <input checked="" type="checkbox"/>
Description:	

For some exchange types, information about the absence or existence of convictions and offences may be exchanged

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
Contact points' personal data	As long as the as person collaborates with ELA in his/her position based on the relevant appointment or contract		
Data related to requests on cooperation/exchange of information	5 years after the case is closed.		
Data related to information regarding EU Law	Personal data will be deleted 1 year later the case was closed. After this year, personal data will be anonymised and data will be kept for statistical/historical purposes.		

Description

According to ELA filing plan and specific retention list: ELA.4.3.Cooperation and mediation - Files related to the cooperation and exchange of information between Member States as well as mediation activities, carried out in accordance with Articles 7 and 13 of Regulation 2019/1149, the retention period is 5 years. After this period, personal data will be anonymised and information could be kept for statistical/historical purposes.

1.5 RECIPIENTS

Origin of the recipients of the data	
1. <input checked="" type="checkbox"/> Within the EU organization	Cooperation and NLO's Office Team
2. <input checked="" type="checkbox"/> Outside the EU organization	IMI Coordinators/ELA Contact Points in Member States IMI users

Categories of the data recipients
1. <input checked="" type="checkbox"/> A natural or legal person 2. <input type="checkbox"/> Public authority 3. <input type="checkbox"/> Agency 4. <input type="checkbox"/> Any other third party, specify
Specify who has access to which parts of the data:

Description

Personal information regarding contact point will be accessible to ELA Cooperation and NLOs Office Team on a “need to know basis”.

Personal data related to specific cases will be only available to the concerned NLOs. Aggregated data may be discussed among ELA Cooperation and NLOs Office Team in order to share and improve good practices, but without reference to any personal data.

In some specific cases, individual cases referred by national authorities to ELA/NLOs may contain personal data which can also be of a sensitive nature . This is necessary for ELA’s NLOs to follow up the particular case with the NLO of another Member State with a view to sort out the cooperation dispute or to speed up the exchange of information on the individual’s particular case. In these cases, a reference to the IMI reference case, could be exchanged.

This should be considered pseudonymized data, as neither ELA nor the NLOs has access to this system. Personal information regarding requests to support Member States in the effective application of the Union Law could be shared among ELA Cooperation and NLOs Office Team.

1.6 INTERNATIONAL DATA TRANSFERS

Transfer to third countries or international organisations of personal data
<p>1. Transfer outside of the EU or EEA</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>2. Transfer to international organisation(s)</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>

1.7 INFORMATION TO DATA SUBJECTS ON THEIR RIGHTS

Rights of the data subjects
<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: <https://www.ela.europa.eu/en/privacy-policy>)
- External website (URL: ELA SharePoint on Personal Data Protection)

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:

Guidance on data subjects rights on ELA main website.

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.