European Labour Authority
DATA PROTECTION OFFICER

RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA

DPR-ELA-2022-0029 Processing personal data at ELA concerted and joint inspections
1 PART 1: PUBLIC - RECORD (ARTICLE 31)  

1.1 GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Record reference</th>
<th>DPR-ELA-2022-0029</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title of the processing operation</td>
<td>Processing of personal data at ELA concerted and joint inspections</td>
</tr>
<tr>
<td>Controller entity</td>
<td>European Labour Authority, Enforcement and Analysis Unit, Inspection Team</td>
</tr>
<tr>
<td>Joint controllers</td>
<td>☒ N/A ☐ YES, fill in details below</td>
</tr>
</tbody>
</table>
| Joint controllership arrangement (Article 28(1)) | ☐ Link:  
☐ Attachment |
| Processor(s) | ☐ N/A  
☒ YES, fill in details below |
| Internal organisation(s)/entity(ies) Names and contact details | ☒ N/A ☐ YES |
| External organisation(s)/entity(ies) Names and contact details | ☐ N/A  
☒ YES |

Microsoft Ireland South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, Ireland

For administrative tasks and logistics:

Local transportation, interpretation, catering for « on-site » labour inspection visits, online/ in person meetings:

PROPAGER – NEWS TRAVEL  
70, Boulevard de Reuilly  
75012 Paris, France

Travel and accommodation:  
TRAVEX  
Travex S.A. – Parvis de la Trinité, 8 –  
1050 Brussels (Belgium)

Translation of documents:  
Translation Centre for the Bodies of the European Union  
Bâtiment Technopolis Gasperich  
12E, rue Guillaume Kroll  
L-1882 Luxemburg

Internal CJJ management System (case management system):  
Uni system  
19-23, Al. Pantou str. 176 71  
Athens, Greece

Consultancy services  
SPARK legal network (EU) BVBA

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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.
Rue des Deux Eglises 39  
1000 Brussels  
Belgium

Such processors are bound by contracts defining the terms of service, including personal data protection clauses indicating their responsibilities as provided by Regulation (EU) 2018/1725.

<table>
<thead>
<tr>
<th>Data Protection Officer</th>
<th>Name and contact details</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Laura NUNEZ BAREZ</td>
</tr>
<tr>
<td></td>
<td>Landererova 12,</td>
</tr>
<tr>
<td></td>
<td>811 09 Bratislava I</td>
</tr>
<tr>
<td></td>
<td>Slovakia</td>
</tr>
<tr>
<td></td>
<td>Email: <a href="mailto:data-protection@ela.europa.eu">data-protection@ela.europa.eu</a></td>
</tr>
</tbody>
</table>

| Language of the record | English                  |
| Record Model           | ☒ N/A                    |
1.2 PURPOSE AND DESCRIPTION OF THE PROCESSING

1.2.1 Purpose

The objective of the European Labour Authority (ELA), as set out in Article 2 of the ELA Regulation (Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019), is to contribute to ensuring fair labour mobility across the Union. To this end, ELA shall facilitate and enhance cooperation between the Member States in the enforcement of relevant Union law, including facilitating concerted and joint inspections.

According to Article 8 of ELA Regulation, the European Labour Authority shall coordinate and support concerted or joint inspections in the area of labour mobility across the Union.

This record aims to cover the personal data collected during the organization and performance of the concerted1 and joint inspections2 (CJI) coordinated by ELA.

In Article 8 ELA Regulation and the guidelines for concerted and joint inspection, three scenarios are observed:

1. Inspections initiated after a request of one or more Member States
2. Inspections suggested to the authorities of Member States by own initiative of the Authority
3. Cases brought to the attention of the Authority, by social partners organisations at national level

The processing also includes follow-up activities (such as report or studies) related to the findings and requests for annual or ad-hoc information from Member States and ELA Management Board.

As part of this process, a written agreement on cross-border concerted and joint inspections is signed between the authorities involved in the inspection.

An inspection plan can be drafted and signed by the authorities involved in the inspection.

Concerted and joint inspections shall be carried out in accordance with the legal framework and practice of the Member States in which the inspections take place. Any follow-up to such inspections shall be carried out in accordance with the legal framework and practice of the Member States concerned.

When presenting a case for a concerted and/or joint inspection, and specifically when submitting any document, Member States authorities shall ensure that all personal data related to that case are removed or anonymised in such a manner that the data subject is not or no longer identifiable.

The Authority does not process any personal data of individuals concerned by the case at any point in the course of its inspections. If for any reason, any personal data is transmitted to the Authority, it will be deleted at soon as it is detected. In this case, the Authority will inform the authority that submitted personal data about the irregular transmission and request an anonymised/redacted version of the relevant documents.

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

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1 Concerted inspections: Cross-border concerted inspections concerted inspections are inspections carried out simultaneously in two or more MS regarding related cases, with each national authority operating in its own territory, and supported, where appropriate, by the staff of the Authority.

2 Joint cross-border inspections: are inspections carried out in MS with the participation of the national authorities of one or more other MS, and supported, where appropriate, by the staff of the Authority.
Any other, specify
Pseudonymisation will be encouraged, as reasonable as possible, when receiving Case description and/or other information from the Member States.

Personal data related to the participants will be anonymized as soon as possible.

### 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
      Pdf files, powerpoint presentations, handmade notes, pictures.

3. ☐ Any other mode, specify

### Description

Any information related to a specific inspection when needed, such as maps, croquis, specific documentation according to the relevant national legislation, accounting data, audiovisual recordings, registry information related to the company, reports, relevant samples to the inspection (e.g. chemical, biological, water, or any other).

### Mobile applications in ELA corporate mobile duty phones/ tablets:

- Mobile application for ELA Staff: This process is covered by Record ‘DPR-ELA-2022-0032 ELA Sharepoint Spaces’.
- Exchange communication with staff from the Member States involved in CJIs: in order to improve communication with external staff of Member States involved in CJIs, ELA may propose the use of specific secured tools/application. This process is covered by Record ‘DPR-ELA-2023-0018 Pilot communication in the Concerted and Joint Inspections’.

### 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

The following steps will be followed for a successful CJI:

a) Planning concerted and joint inspection: identification and specification of a case that requires a cross-border cooperation and ends with a final agreement on cross-border CJI. This agreement may include the Inspection Plan where the specificities of the inspection are included.

b) Implementing CJI (case execution): description the on-site stages of CJI. All participants involved of CJI will follow instructions included in the agreement and/or the Inspection Plan. This phase concludes with the Post Inspection Report.
c) Following up CJI: during this phase any needed follow actions are implemented.

1.3 DATA SUBJECTS AND DATA CATEGORIES

1.3.1 Data subjects’ categories

<table>
<thead>
<tr>
<th>1. Internal to organisation</th>
<th>ELA Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. External to organisation</td>
<td>Staff from Member States, the European Economic Area (EEA)(^1) and Switzerland administrations (national enforcement bodies)</td>
</tr>
<tr>
<td></td>
<td>Staff from Social Partner Organisations at national level potentially involved in the case</td>
</tr>
<tr>
<td></td>
<td>Employers</td>
</tr>
<tr>
<td></td>
<td>European Institutions, bodies and agencies such as EUROPOL (included EMPACT), EUROJUST or CEDEFOP</td>
</tr>
<tr>
<td></td>
<td>Relevant European networks related to the activities to ELA such as SLIC Senior Labour Inspectors Committee or AQUAPOL or ROADPOL</td>
</tr>
<tr>
<td></td>
<td>ELA contractors/ interpreters/translation service</td>
</tr>
<tr>
<td></td>
<td>Interpreters and/or cultural mediators</td>
</tr>
<tr>
<td></td>
<td>External contractors and other service providers</td>
</tr>
</tbody>
</table>

1.3.2 Data categories/fields

Description:
The categories/types of personal data processed are the following:

Personal data on the written agreement on cross-border concerted and joint inspections (administrative data):
Name, role/position, organization, phone number, email, information related to the specific inspection [format (*concerted general inspection, concerted targeted inspection, joint general inspection, joint targeted inspection*), time-frame, scope (*short and long terms targets*), inspection plan, time address of specific meetings, signatures].

Personal data related to the inspectors (*acting inspectors from host MS and observing visiting officials from other Member States and general coordinator of the inspection*)
Name, role/function, organization, phone number, e-mail, composition of the team, general coordinator of the inspection, languages spoken, credential and passport/identity card, signature and country.
Handwritten notes of visual observations during the inspection, pictures/video and report.

When the CJI is initiated by request of one or more Member States, they should provide the relevant background on the case that includes a general description of the initial complaint and/or relevant information gathered and the Member States where the infringement occurred, employers concerned and previous measures to address the case, motivation of the request, identification of the relevant national or European legislation (*Case description*). This information is exchanged with the ELA.

The Member State will also inform ELA of the sector/entity to be inspected, other stakeholders and number of participating persons, number of companies and number and categories of mobile workers concerned by the inspection (aggregated data).

When the CJI is brought to the attention of ELA by relevant social partners at national level\(^2\), they should provide case-relevant data, specifying the previous attempts to address the issue and the relevant national authorities involved.

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\(^1\) The EEA includes EU countries and also Iceland, Liechtenstein and Norway.

\(^2\) The general coordinator of a CJI will be in charge of organizational and procedural matters, including drafting reports. The appointed person should be, in principle, one of the National Coordinators or ELA responsible officer.

\(^3\) Social Partner organisations at national level (employer associations and trade unions).
Personal data of interpreters, as well as assimilated support staff (interpreters, cultural mediators):

Name, surname, languages spoken (interpretation working languages), nationality, ID cards/passports, company name (if applicable), telephone, e-mail, flight and travel details and accommodation details for reimbursement and signature.

Personal data of ELA Staff (case handlers, other ELA staff, including ELA National Liaison Officers (ELA NLO))
Name, Surname, Unit, position (CA, SNE, SNE-NLO), languages spoken and contributions to reports from MS and final post inspection report and signature.

Personal data of observers/other stakeholders (such as the representatives of social partner organisations at national level, other European Institutions, bodies and agencies or relevant European networks related to the activities to ELA such as SLIC Senior Labour Inspectors Committee or AQUAPOL or ROADPOL):
Name, Surname, Role, Organisation represented, country, languages spoken, signature and any other personal data needed to organize meetings or events.

For the reimbursement of participants of CJIs (such as interpreters, observers, inspectors in some cases) the following data will be collected:
Name, Surname, nationality, ID cards/passports, flight and travel details and accommodation details for reimbursement. Reimbursement will be dealt following the process described in the Record “DPR-ELA-2022-0003 Managing award procedures for procurement and the execution of contracts”

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:
Representatives of social partner organizations at national level (employer associations and trade unions).
As part of the mandate and activities of ELA, Social partner organisations at national level can bring to the attention of the Authority specific cases subject to a CJI.

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, [...].
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'

| Description: |
| N/A ☒ Yes ☐ |

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:

<table>
<thead>
<tr>
<th>Data category</th>
<th>Retention period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identification data of participants of CJIs</td>
<td>Maximum 5 years</td>
</tr>
<tr>
<td>Personal data related to the interpreters, cultural mediators and other possible stakeholders</td>
<td>2 years after the post inspection report is submitted by MS.</td>
</tr>
<tr>
<td>Personal data of signatories of the Agreements on CJIs (including inspection plan)</td>
<td>Personal data related to the administrative data will be kept for historical and archival purposes.</td>
</tr>
</tbody>
</table>

Description

Following ELA.4.2 > Enforcement and analysis > Files related to inspections, carried out in accordance with Articles 8-9 of Regulation 2019/1149 will be kept for a maximum of 5 years. After that period of time, the personal data will be anonymized and kept for historical purposes.

The agreement on CJIs is signed for a specific intervention/inspection. In the frame of this agreement several actions may be done during a certain period of time; actions are concluded with a post inspection report.
1.5 RECIPIENTS

### Origin of the recipients of the data

| 1. | ☒ Within the EU organization | Authorised Staff in ELA Enforcement and Analysis Unit and NLOs Executive Director Finance Sector (reimbursement purposes) |
| 2. | ☒ Outside the EU organization | Authorised Staff/enforcement authorities in Member States involved in the particular inspection |

### Categories of the data recipients

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

**Description**

Responsible staff members in ELA, authorities of Member States concerned will have access to all data categories related to the inspection they are involved in. They will also have access to all data in cases the inspection is limited to the exchange of information related to the case as an “on-site inspection visit” is not performed.

Regarding the cases brought by social partner organisations at national level, also the social partner organization will receive general information, but only pseudonymized data.

The transfer of personal data will be managed directly by the actors involved (Member States authorities/social partner organisations at national level) and ELA will not further transfer any additional personal information.

Anonymized statistics and reports are prepared by ELA for historical and archival purposes. These reports may be shared with the European Commission, European Parliament, and with the ELA Partner Agencies, as well as other stakeholders.

1.6 INTERNATIONAL DATA TRANSFERS

### Transfer to third countries or international organisations of personal data

| 1. Transfer outside of the EU or EEA |
| ☐ N/A, transfers do not occur and are not planned to occur |
| ☒ YES, Switzerland |

| 2. Transfer to international organisation(s) |
| ☒ N/A, transfers do not occur and are not planned to occur |
| ☐ Yes, specify further details about the transfer below |

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1 According to ELA Regulation: The European Foundation for the Improvement of Living and Working Conditions (EUROFOUND), the European Centre for the Development of Vocational Training (CEDEFOP), the European Agency for Safety and Health at Work (EU-OSHA), and the European Training Foundation (ETF), as well as, as regards the fight against organised crime and trafficking in human beings, with the European Union Agency for Law Enforcement Cooperation (EUROPOL) and European Union Agency for Criminal Justice Cooperation (EUROJUST).
Names of the international organisations to which the data is transferred

### 3. Legal base for the data transfer

- ☑ Transfer on the basis of the European Commission's **adequacy decision** *(Article 47)*
- ☐ Transfer subject to **appropriate safeguards** *(Article 48.2 and .3)*, specify:
  1. (a) ☐ A legally binding and enforceable instrument between public authorities or bodies.
  2. (b) ☐ Standard data protection clauses, adopted by
     - the Commission, or
  3. (c) ☐ the European Data Protection Supervisor and approved by the Commission, pursuant to the examination procedure referred to in Article 96(2).
  4. (d) ☐ Binding corporate rules, ☐ Codes of conduct, ☐ Certification mechanism pursuant to points (b), (e) and (f) of Article 46(2) of Regulation (EU) 2016/679, where the processor is not a Union institution or body.
- ☐ Subject to the authorisation from the European Data Protection Supervisor:
  1. ☐ Contractual clauses between the controller or processor and the controller, processor or the recipient of the personal data in the third country or international organisation.
  2. ☐ Administrative arrangements between public authorities or bodies which include enforceable and effective data subject rights.
- ☐ Transfer based on an **international agreement** *(Article 49)*, specify

### 4. Derogations for specific situations *(Article 50.1 (a) –(g))*

- ☐ N /A
- ☐ Yes, derogation(s) for specific situations in accordance with article 50.1 (a) –(g) apply (ies).


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

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

#### 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 )

☒ Other form of publication, specify
A specific Privacy Statement will be published on the ELA main website.

☒ 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:
Guide on data subject’s rights is available on ELA main website.

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.