



**European Labour Authority**

DATA PROTECTION OFFICER

**RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA**

DPR-ELA-2023-0015 Accounting activities at the European Labour Authority

**1 PART 1: PUBLIC - RECORD (ARTICLE 31<sup>1</sup>)**

**1.1 GENERAL INFORMATION**

<b>Record reference</b>	DPR-ELA-2023-0015
<b>Title of the processing operation</b>	Accounting activities at the European Labour Authority
<b>Controller entity</b>	Resources Unit, Finance, Budget and Procurement Sector
<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>Internal organisation(s)/entity(ies) Names and contact details</b>	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES
<b>External organisation(s)/entity(ies) Names and contact details</b>	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES  The <a href="#">European Union Agency for Fundamental Rights (FRA)</a> Schwarzenbergplatz 11 A-1040 Vienna, Austria  Microsoft Ireland South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, Ireland.  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.
<b>Data Protection Officer Name and contact details</b>	Laura NUNEZ BAREZ European Labour Authority Landererova 12, 811 09 Bratislava I Slovakia Email: data-protection@ela.europa.eu
<b>Language of the record</b>	English

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<sup>1</sup> 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

In order to ensure the budget implementation of the Authority, the Resources Unit of the European Labour Authority (ELA), in particular the Accounting Officer and the Finance, Budget and Procurement Sector aims to process personal data for the following activities:

- (a) properly implementing payments, collecting revenue and recovering amounts established as being receivable;
- (b) preparing and presenting the accounts;
- (c) keeping the accounts;
- (d) implementing the accounting rules and the chart of accounts in accordance with the provisions adopted by the European Labour Authority's accounting officer;
- (e) laying down and validating the accounting systems and, where appropriate, validating systems laid down by the authorising officer to supply or justify accounting information and
- (f) treasury management.

For some personal data , the ELA relies on existing process(es) covered by the European Commission such as:

- [legal entity and bank account information](#) covered by the Record "[DPR-EC-00301 Registration of Legal Entity and Bank Account records in the central EC Accounting System](#)"
- sensitive information related to Article 11 of Regulation (EU) 2018/1725 such as [criminal convictions and offences](#) covered by the Record "[DPR-EC-04410 database of the Early Detection and Exclusion System \(EDES\)](#)".

### 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

### 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 documents
3.  Any other mode, specify

### Description

ICT systems for accounting and budgeting (ABAC) and a swift implementation of the key Internal Control Principles.

ABAC is the central database accessible to ABAC users – over 50 departments in the European Commission, Executive Agencies, External EU agencies, all of which have signed joint-controllership agreement clarifying the role and responsibilities of each entity using ABAC. Each request for registration (creation or modification) is assessed individually and validated (manually or automatically) by unit C1 – Legal Entities and Bank Accounts Files.

**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

**1.2.5 Comments on the processing of the data**

In line with ELA Financial Rules, the Management Board appoints an accounting officer, covered by the Staff Regulations, who shall be completely independent in the performance of his or her duties.

**1.3 DATA SUBJECTS AND DATA CATEGORIES**

**1.3.1 Data subjects' categories**

1. Internal to organisation	ELA Staff
2. External to organisation	All natural persons that, at one time, have (had) contractual and/or financial transactions with the ELA (mainly beneficiaries of EU Funds, citizens, contractors, national detached experts and other experts, officials of the European Commission and of other EU institutions, agencies and bodies, detached officials, officials of national authorities, retired officials and agents, special advisers, temporary agents, auxiliary agents and competition candidates).

**1.3.2 Data categories/fields**

Name, First Name, Family situation (status, number of children), Permanent Address, Personal number (for certain countries), Date and Place of Birth, Email, Phone, Legal & Budgetary commitments, Payments, Bank account, Bank name, Address declared with the bank, EDES flag.

**Legal Entity Form and Bank Account Information**, in addition to the already mentioned below: Identity Card/Passport Number or the number of another accepted identity document, NUP Number (for staff only), Personal ID (for staff only), Date and Place of Birth, Copy of ID Card/Passport, Signature, Payment Currency, Bank statement.

**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,

<input type="checkbox"/> trade union membership, Or/and, <input type="checkbox"/> Genetic data, biometric data for the purpose of uniquely identifying a natural person, <input type="checkbox"/> Data concerning health, <input checked="" type="checkbox"/> Data concerning a natural person's sex life or sexual orientation.  <input type="checkbox"/> N/A
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Family situation could lead to special categories of data due to the civil status of the person. The only consideration taken here is the civil status, as the spouse may be entitled to some specific allowances, therefore it is needed for the process. Same reasoning behind the number of children.

<p><b>If applicable, indicate the reasons under article 10(2) allowing the processing of the special categories of data:</b></p> <p>(a) <input type="checkbox"/> The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, [...].</p> <p>(b) <input checked="" type="checkbox"/> 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[...].</p> <p>(c) <input type="checkbox"/> 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.</p> <p>(d) <input type="checkbox"/> 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 [...].</p> <p>(e) <input type="checkbox"/> Processing relates to personal data which are manifestly made public by the data subject.</p> <p>(f) <input type="checkbox"/> 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.</p> <p>(g) <input type="checkbox"/> Processing is necessary for reasons of substantial public interest, [...]</p> <p>(h) <input type="checkbox"/> 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 [...].</p> <p>(i) <input type="checkbox"/> 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 [...].</p> <p>(j) <input type="checkbox"/> Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes [...].</p>
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**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>N/A <input type="checkbox"/></p> <p>Yes <input checked="" type="checkbox"/></p>
<p><b>Description:</b>                  Access to EDES information through the European Commission's ABAC accounting system (ABAC). This process is covered by the Record "Entry of a Data Subject in the Early Detection and Exclusion System (EDES-DB)"                  Personal data related to cases on early detection and/or exclusion and/or financial penalty will be stored in a local application (EDES) which is located in the European Commission, DG DIGIT. Part of personal data stored in EDES is copied in ABAC.</p>	

**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
Files containing recovery orders, commitments and their corresponding payment orders.	10 years. According to the ELA filing plan and specific retention list, 5.3 Budget implementation and accounting.		
LEF and BAF related information	<ul style="list-style-type: none"> <li>a maximum of 10 years after the last transaction for data related to natural persons other than ELA staff.</li> <li>up to 100 years after the date of recruitment for staff (to satisfy any request that may come in after the end of a staff member’s contract or after their retirement).</li> </ul>		
EDES related information	<p>According to the Record on EDES:</p> <p><u>Information on early detection</u> is registered for a maximum duration of 1 year from the moment that the relevant case is validated by the Commission.</p> <p><u>Exclusion:</u></p> <p>a) Five years for cases such as fraud, corruption, conduct related to criminal organisation, money laundering, offences linked to terrorist activities, child labour or other offences related to trafficking in human beings);</p> <p>b) Three years for the cases of grave professional misconduct, significant deficiencies in complying with main obligations in the performance of a legal commitment, irregularity and shell companies);</p> <p>c) The duration, if any, set by the final judgement or the final administrative decision of a Member State.</p> <p><u>Financial Penalty:</u></p> <p>In case of a financial penalty, if the relevant information has been published, the publication shall be removed six months after payment of that penalty.</p>		

**Description**

ELA filing plan and specific retention list established several retention period:

- **10 years:** Files containing recovery orders, commitments and their corresponding payment orders
- **5 years:** Files covering the management of general accounts, bank accounts and payments, annual accounts, imprest accounts, debts, cash management and the validation of accounting systems (*management of accounts*) and files related to the discharge given by the European Parliament (*budget discharge*).

**1.5 RECIPIENTS**

Origin of the recipients of the data	
1. <input checked="" type="checkbox"/> Within the EU organization	Executive Director and Management Board
2. <input checked="" type="checkbox"/> Outside the EU organization	ELA Management Board

Categories of the data recipients
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<p>1. <input checked="" type="checkbox"/> A natural or legal person</p> <p>2. <input checked="" type="checkbox"/> Public authority</p> <p>3. <input type="checkbox"/> Agency</p> <p>4. <input type="checkbox"/> Any other third party, specify</p>
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**Description**

In the event of any illegal activity, fraud or corruption, a member of staff or other servant, including national experts seconded to ELA, shall inform their immediate superior, the Executive Director or the Management Board of ELA or the European Anti-Fraud Office or the European Public Prosecutor’s Office directly.

**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>

**Description**

N/A

**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: SharePoint on Personal Data protection )
- External website  (URL: <https://www.ela.europa.eu/en/privacy-policy> )

Other form of publication, specify

Privacy Statement will be available in the specific Sharepoint.

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.

Guidance on data subjects available in ELA's 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.