

PROTECTION OF YOUR PERSONAL DATA

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

Processing operation: Accounting activities at the European Labour Authority

Data Controller: Resources Unit, Finance, Budget and Procurement Sector

Record reference: DPR-ELA-2023-0015

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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 "Accounting activities at the European Labour Authority" undertaken by the Resources Unit, Finance, Budget and Procurement Sector is presented below.

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

Purpose of the processing operation: The Resources Unit, Finance, Budget and Procurement Sector collects and uses your personal information 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 by conducting 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.

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) of Regulation (EU) 2018/1725:

- (a) 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;
- (b) processing is necessary for compliance with a legal obligation to which the controller is subject;
- (c) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

Legal basis:

- Regulation (EU) 2019/1149 of the European Parliament and the Council of 20 June 2019 establishing a European Labour Authority,

- Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union (the 'Financial Regulation'),
- Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (the 'Framework Financial Regulation', and in particular Articles 43.2 and 50.2 thereof,
- Decision No 21/2020 of 15 December 2020 of the Management Board on ELA's Financial Rules (the ELA's Financial Rules), and in particular Chapter 3, Section 3, Articles 49,50 and 51,
- Service Level Agreement (SLA) between the European Agency for Fundamental Rights and the European Labour Authority.

We process **special categories of personal data**, therefore Article 10 of Regulation (EU) 2018/1725 applies. In particular, we collect data concerning a *natural person's sex life or sexual orientation, due to the family situation of a person*. The process is lawful, according to Article 10(2)(b), because:

(b) the 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 and social protection law insofar as it is authorised by Union law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

4. Which personal data do we collect and further process?

In order to carry out this processing operation, the Resources Unit, Finance, Budget and Procurement Sector collects the following categories of personal data:

- Name;
- Family situation (status, number of children);
- Contact details (permanent address, personal number (for certain countries), e-mail, phone);
- Date and place of birth;
- Legal and budgetary commitments;
- Payments;
- Bank account, bank name and address declared with the bank;
- EDES¹ flag
- Legal Entity Form and Bank Account Information, in addition to the already mentioned: 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 The Early Detection and Exclusion System (EDES) was established by the Commission to reinforce the protection of the Union's financial interests and to ensure sound financial management. The purpose of the EDES is the protection of the Union's financial interests against unreliable persons and entities applying for EU funds or having concluded legal commitments with the Commission, other Union Institutions, bodies, offices or agencies. The EDES rules are found in the Financial Regulation. This process of personal data is covered by the European Commission by the Record "[DPR-EC-04410 Entry of a Data Subject in the Early Detection and Exclusion System \(EDES-DB\)](#)"

The provision of personal data is mandatory to meet a legal obligations: ELA Regulation, Financial Regulation and ELA Financial rules. If you do not provide your personal data, we will not be able to fulfil our obligations.

5. How long do we keep your personal data?

The Resources Unit, Finance, Budget and Procurement Sector only keeps files containing recovery orders, commitments and their corresponding payment orders for **10 years**, according to the ELA filing plan and specific retention list, 5.3 Budget implementation and accounting.

In case of processing the LEF and BAF related information, the data is kept for a maximum of 10 years after the last transaction for data related to natural persons other than ELA staff and 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).

In case of EDES related matters, according to the Record on EDES, information on early detection is registered for a maximum duration of 1 year from the moment that the relevant case is validated by the Commission. Exclusions are:

- 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);
- 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);
- c) The duration, if any, set by the final judgement or the final administrative decision of a Member State.

In case of a financial penalty, if the relevant information has been published, the publication shall be removed six months after payment of the penalty.

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 recipients of personal data within the EU organisation are the Executive Director and Management Board.
- The recipients of personal data outside the EU organisation is the ELA Management Board

Please note that pursuant to Article 3(13) of the Regulation, public authorities (e.g. 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 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.

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, Resources Unit, Finance, Budget and Procurement Sector:

Ela-finance@ela.europa.eu

- The Data Protection Officer (DPO) of ELA

You may contact the Data Protection Officer (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) 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-2023-0015: Accounting activities at the European Labour Authority.