



**European Labour Authority**

DATA PROTECTION OFFICER

**RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA**

DPR-ELA-2023-0018 Pilot of communication applications for Concerted and Joint Inspections

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

**1.1 GENERAL INFORMATION**

<b>Record reference</b>	DPR-ELA-2023-0018
<b>Title of the processing operation</b>	Pilot of communication applications for Concerted and Joint Inspections
<b>Controller entity</b>	European Labour Authority, Enforcement and Analysis Unit, Concerted and Joint Inspection 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 <b>To grant the use of the license(s) of the tool:</b> ENLETS - European Network of Law Enforcement Technology Services Slowackiego 17/11 60-822 Poznań   Poland  <b>Communication exchange application:</b> STASHCAT GmbH ("external contractor") Hamburger Allee 2-4 30161 Hannover Germany
<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

<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

The European Labour Authority (ELA), Enforcement and Analysis Unit, Concerted and Joint Inspections Sector, aims to test new applications together with participants of concerted and joint inspections coordinated and supported by the ELA.

This application in concrete - [Stashcat \(branded “ENLETS Messenger”\)](#) - will allow Member States’ authorities to exchange information that may contain personal data in a swift and secure way, ensuring a more effective collaboration between the different counterparts during the planning, execution and follow-up stages of concerted and joint inspections.

The processing of personal data by the ELA is limited to granting access to the tool when requested. This record aims to cover this process.

Under no circumstances, will ELA staff have access to information containing personal data exchanged in the different groups/spaces of the application, as its role is limited to provide the application to the authorised staff in the participating Member States.

The direct users of the tool are responsible to cover any personal data process that might occur in their space/group, and from a personal data protection perspective, will be considered as controllers of the space/group assigned to them. Therefore, when accessing the tool/application, further specific privacy statements will contain the mandatory information about the use of additional personal data (according to relevant rules on personal data protection).

### 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: E-Mail

### 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**

In this pilot phase, as the tool is being tested, the ELA will rely on the [European Network of Law Enforcement Technology Services](#) (ENLETS) to provide access to and allow the use of [Stashcat \(branded “ENLETS Messenger”\)](#) by participating Member States.

ENLETS intends to provide specific licenses to test whether this tool suits the specific needs and purposes of the ELA and Member States, namely in relation to improving communication and information exchange during the planning, execution and follow-up stages of concerted and joint inspections.

At this piloting stage, the use of the licenses is granted by ENLETS to ELA staff on a need to know basis. A list of names and emails of the users is shared with ENLETS.

At a later stage, if the tool fits to the purpose of ELA, ELA will purchase its own licenses.

The authorities of the Member States participating to this pilot project shall be solely responsible for the use of this tool, in line with national applicable rules and legislation, and in particular in what concerns data protection.

The pilot phase will start upon the entry into force of this record and end one year after, with a possibility of extension if necessary.

**Stashcat:**

Terms and conditions: <https://stashcat.Com/en/terms-of-use/>

Privacy Policy: <https://stashcat.com/en/privacy-policy/>

**1.3 DATA SUBJECTS AND DATA CATEGORIES**

**1.3.1 Data subjects' categories**

1. Internal to organisation	ELA staff
2. External to organisation	National competent authorities participating in concerted and joint inspections Authorised staff of ENLETS Authorised staff of the external contractor

**1.3.2 Data categories/fields**

Indicate the categories of data that will be processed:

To grant access to the tool, ELA will process the following personal data:

Name, surname, messenger group and email address.

Personal data of staff of Member States administrations:

Name, Surname, alias, nationality, function, authority, telephone number, business address, email and enquiries regarding the tool.

Personal data exchanged in the application will not be accessible to the external contractor, ELA or ENLETS.

**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):**

<p>Data revealing</p> <p><input type="checkbox"/> racial or ethnic origin,</p> <p><input type="checkbox"/> political opinions,</p> <p><input type="checkbox"/> religious or philosophical beliefs,</p> <p><input type="checkbox"/> trade union membership,</p> <p>Or/and,</p> <p><input type="checkbox"/> Genetic data, biometric data for the purpose of uniquely identifying a natural person,</p> <p><input type="checkbox"/> Data concerning health,</p> <p><input type="checkbox"/> Data concerning a natural person's sex life or sexual orientation.</p> <p><input checked="" type="checkbox"/> N/A</p>
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**1.3.2.2 Data related to 'criminal convictions and offences'**

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

**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
Identification data	6 months after the receipt of the post-inspection report		

**1.5 RECIPIENTS**

Origin of the recipients of the data	
1. <input checked="" type="checkbox"/> Within the EU organisation	ELA Enforcement and Cooperation Unit ELA Cooperation and mediation Unit on a need to know basis
2. <input checked="" type="checkbox"/> Outside the EU organisation	External contractor External partner: ENLETS

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

**Description**

On a need-to-know basis, ELA authorised staff may access all data categories to grant access to the tool when requested.

On a need-to-know basis, the authorised staff of the external contractor might get to know about the existence of communication groups, but will neither have access to data of its participants, nor data exchanged therein.

ENLETs will only have access to name, surname, concerned group and email address to provide access to the tool.

Users of the application will have access to data received in the groups they are part of and that were created for the purpose of a specific CJJ.

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 collected by ELA 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.**

**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>

*Article 21 – Notification obligation regarding rectification or erasure of personal data or restriction of processing*

*Article 22 – Right to data portability*

*Article 23 – Right to object*

*Article 24 – Rights related to Automated individual decision-making, including profiling*

### 1.7.1 Privacy statement

The data subjects are informed about their rights and how to exercise them in the form of the privacy statement attached to this record.

#### Publication of the privacy statement

Published on website

Web location:

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

Other form of publication, specify

Link to the Privacy Statement will be shared with the users when the access to the tool/application is granted.

Guidance for data subjects that 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 available on ELA main website:

<https://www.ela.europa.eu/sites/default/files/2023-04/Your-data-protection-rights-at-ELA.pdf>.

## 1.8 SECURITY MEASURES

Short summary of overall Technical and Organisational 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 ELA or of its contractors.

The ELA's contractors and partners are bound by a specific contractual clause for any processing operations of personal data on behalf of the ELA, and by the confidentiality obligations deriving from the General Data Protection Regulation.

In order to protect personal data, the ELA 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.