

PROTECTION OF YOUR PERSONAL DATA

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

Processing operation: Pilot of communication applications for Concerted and Joint Inspections

Data Controller: The European Labour Authority, Enforcement and Analysis Unit, Concerted and Joint Inspection Sector

Record reference: DPR-ELA-2023-0018

Table of Contents

1. Introduction
2. Why and how do we process your personal data?
3. On what legal ground(s) do we process your personal data?
4. Which personal data do we collect and further process?
5. How long do we keep your personal data?
6. How do we protect and safeguard your personal data?
7. Who has access to your personal data and to whom is it disclosed?
8. What are your rights and how can you exercise them?
9. Contact information
10. Where to find more detailed information?

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 "*Pilot of communication applications for Concerted and Joint Inspections*" undertaken by the European Labour Authority, Enforcement and Analysis Unit, Concerted and Joint Inspection Sector (ELA CJI Sector) is presented below.

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

Purpose of the processing operation: The ELA CJI Sector collects and uses your personal information 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.

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 by 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).

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) (a) of Regulation (EU) 2018/17125, the 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.

Legal basis:

Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority. In particular:

Regarding the exchange of information, the Regulation mandates ELA to carry out, among others, the following tasks in the context of the enforcement of relevant EU law:

- ELA shall facilitate cooperation and the exchange of information between Member States with a view to the consistent, efficient and effective enforcement of relevant Union law (cf. art. 4 (1) b) ELA Regulation)
- ELA shall facilitate the acceleration of exchange of information between Member States (cf. art. 7 (1) of the ELA Regulation)
- ELA shall promote the use of electronic tools and procedures for message exchange between national authorities, including, but not limited to, the IMI system (cf. art. 7 (3) of the ELA Regulation)
- ELA shall encourage the use of innovative approaches to effective and efficient cross-border cooperation, and shall promote the potential use of electronic exchange mechanisms between the Member States to facilitate the access to data in real time and detection of fraud (cf. art. 7 (4) of the ELA Regulation)
- Concerted and joint inspections shall take place in an operationally effective manner (art. 9 (3) of the ELA Regulation) and, in that regard,
- ELA shall provide conceptual, logistical and technical support, and, where appropriate, legal expertise, upon request to Member States carrying out concerted or joint inspections (cf. art. 9 (4) of the ELA Regulation).

Further reference to the exchange of information in the context of the enforcement of relevant EU law is made in **recital 17** of the ELA Regulation. It mentions that with a view to ensuring the effective enforcement of Union law, ELA should support the timely exchange of information between Member States. ELA should encourage the use of innovative approaches to effective and efficient cross-border cooperation, including electronic data exchange tools such as, but not limited to, EESSI and IMI, and should contribute to further digitalising procedures and improving IT tools used for message exchange between national authorities.

We do not process **special categories of personal data**, therefore Article 10 of the Regulation does not apply.

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

In order to carry out this processing operation, the ELA CJI Sector collects the following categories of personal data:

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.

The provision of personal data is mandatory to meet a legal requirement: Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a

European Labour Authority, in particular Art. 4(1)(b), Article 7(1)(3) and (4) and Article 9(3). If you do not provide your personal data, we will not be able to grant a secure channel of communication.

5. How long do we keep your personal data?

The ELA CJI Sector only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for at latest 6 months after the receipt of the post-inspection report, but will be deleted if not needed before this date.

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 and partners 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.

In particular:

- 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.
- 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 CJI.

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:

Inspections@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-2023-0018 Pilot of communication applications for Concerted and Joint Inspections.