

By checking this box, I consent that my personal data is collected and processed by the European Labour Authority, directly or by its contractors.

I confirm that I have read the privacy statement and that I have been informed that my opinion/replies provided in the interviews will not be associated with my personal information in the national deliverables nor in the final Report, except for the name of my organisation subject to my agreement.

PROTECTION OF YOUR PERSONAL DATA

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

Processing operation: ELA research activities related to inspections and risk assessment in the domain of labour mobility in the Member States

Data Controller: The European Labour Authority, Enforcement and Analysis Unit

Record reference: DPR-ELA-2022-0054

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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 '*Report on labour and social issues in the Hotel, Restaurant and Catering sector ('HORECA')*' undertaken by the Enforcement and Analysis Unit is presented below.

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

Purpose of the processing operation: The Enforcement and Analysis Unit collects and uses your personal information to assist the Member States in the effective and uniform application of the EU legislation regulating the labour mobility field.

The scope of this study is limited to the HORECA sector and in particular, it aims to:

- Provide an overview of the legal framework relevant for the HORECA sector;
- Provide an analysis of the enforcement challenges of EU labour mobility and social security coordination rules in the EU's HORECA sector, with a focus on inspection activities, definition of competencies, and tools of Member States enforcement authorities;
- Understanding the role of social partners in the enforcement of these workers' rights;
- Analyse the information needs of workers and employers in the HORECA sector and how to meet these needs;
- Provide an overview of recruitment and post-recruitment practices in the HORECA sector.

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)(d) you have given consent to the processing of your personal data for one or more specific purposes.

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 Enforcement and Analysis Unit collects the following categories of personal data:

Name, surname, organisation, contact details, position within the organisation, and opinions on the topic of the report.

The provision of personal data is not mandatory.

5. How long do we keep your personal data?

European Labour Authority, Enforcement and Analysis Unit, only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing.

Following ELA filing plan and specific retention list of 27 May 2021, in particular ELA.7 Communication management> ELA.7.3 Publication and websites> ELA.7.3.2 Files with final publications and studies, personal data will be deleted or anonymised 2 years after the reception of the raw data from the external contractors (processors) to ELA.

External processors will delete all personal data related to this research project at the moment of the transmission of the data to ELA.

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 external contractor staff will have access to specific parts of the personal data on a need to know basis and after the report is done (1 year from the start of the study) will transfer all data to the ELA Enforcement and analysis Unit where staff on a need to know basis will have access to all data categories to work on different studies and from different perspectives.

Any report published by the European Labour Authority will not contain personal data. In the particular case, some personal data (name, surname position and quotes/interviews) will be published a specific consent will be gathered from the person concerned.

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 consented to provide your personal data to the Enforcement and Analysis Unit for the present processing operation. You can withdraw your consent at any time by notifying the Data Controller. The withdrawal will not affect the lawfulness of the processing carried out before you have withdrawn the consent.

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:

analysis@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-2022-0054: ELA research activities related to inspections and risk assessment in the domain of labour mobility in the Member States.