

## PROTECTION OF YOUR PERSONAL DATA

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

**Processing operation:** Processing personal data within the framework of the renewal of temporary and contract agent's contracts at the European Labour Authority

**Data Controller:** The European Labour Authority, Resources Unit, ELA HR Sector

**Record reference:** DPR-ELA-2024-0017

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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 "Processing personal data within the framework of the renewal of temporary and contract agent's contracts at the European Labour Authority" undertaken by the ELA HR Sector is presented below.

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

Purpose of the processing operation:

The European Labour Authority complies with the provisions of the Staff Regulations/CEOS and the founding Regulation on staff matters. Contracts of employment and their renewal are an important part of the management of the human resources at ELA.

For this reason, authorised staff of the Resources Unit, Human Resources Sector (ELA HR Sector) collect personal data to prepare the renewal of staff member's contract of employment based on an individual assessment of each particular case.

The process for renewal of contracts of employment is outlined in the relevant legal internal decision (Executive Director's decision) on this subject.

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)(b), the processing is necessary for compliance with a legal obligation to which the controller is subject.

Legal basis:

### **Temporary agent contract**

Article 2(f) of the Conditions of Employment of Other Servants of the European Union (CEOS) provides a type of engagement for temporary agent specific to agencies of the European Union. Article 8 CEOS constitutes the relevant provision for the renewal of temporary agents referred to in Article 2(f):

- First renewal: based on Article 8 CEOS, ELA's staff policy establishes the standard term of contract for temporary agents under type of contract Article 2(f) CEOS as fixed period . The contract may be renewed ;
- Second renewal for indefinite period: Article 8 CEOS stipulates that any further renewal of a temporary agent contract concluded under Article 2(f) CEOS shall be for an indefinite period. ELA has established a policy for contract duration and renewal of contracts.

**Contract agent contract:**

Article 3(a) CEOS foresees the engagement of contract staff. Article 85 CEOS constitutes the relevant provision for the renewal of contract agents referred to in Article 3(a). Based on Article 85 CEOS, ELA employs contract staff to address a variety of needs, including temporary needs related to specific projects.

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 HR Sector collects the following categories of personal data:

- Identification of the data subject (full name, personal number);
- Type of contract, duration, job title, function group, grade, statutory link, job assignments (current and past, including in other Institutions/Agencies);
- The specific situation, interests of the jobholder and motivation for renewal;
- Assessment of the jobholder, that may include
  - Performance of the jobholder (e.g. appraisal reports);
  - Talent and competency profile of the jobholder which could be compared with the needs identified in the Authority;
  - Recommendation from the reporting officer which may include supporting documents (e.g. emails, letters, notes, budget, organisational structure, overview of posts, organizational activities, specific needs, etc.)
  - Concluding remarks from the Executive Director

The provision of personal data is mandatory to meet a legal requirement foreseen in the Staff Regulations. 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 ELA HR Sector only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, and is kept in the staff member's individual file for the same duration as these files.

In particular, according to the ELA Filing plan and specific retention list at the European Labour Authority > Human resources management > 6.5.1 Performance and career development: personnel files (file for each staff member, opened when they take up their duties and kept open until their service is finished) are kept for 10 years following the termination of employment or the last pension payment.

In the event of a formal appeal, all data held at the time of appeal will be retained until the completion of the appeal process.

**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 cloud of the European Labour Authority.

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 addition, European Commission, HR staff on a need to know basis might have access to your personal information.

*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:

[hr@ela.europa.eu](mailto:hr@ela.europa.eu)

##### **- The Data Protection Officer (DPO) of ELA**

You may contact the Data Protection Officer ([data-protection@ela.europa.eu](mailto: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](mailto: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-2024-0017 Processing personal data within the framework of the renewal of temporary and contract agent's contracts at the European Labour Authority.