



**European Labour Authority**

DATA PROTECTION OFFICER

**RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA**

**DPR-ELA-2022-0034: Management of personal files of ELA staff (SYSPER)**

**1 PART 1: PUBLIC - RECORD (ARTICLE 31<sup>1</sup>)****1.1 GENERAL INFORMATION**

<b>Record reference</b>	DPR-ELA-2022-0034
<b>Title of the processing operation</b>	Management of personal files of ELA staff (SYSPER)
<b>Controller entity</b>	European Labour Authority, Resources Unit, HR Sector
<b>Joint controllers</b>	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES, fill in details below
<b>Processor(s)</b>	<input checked="" type="checkbox"/> N/A <input 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>SYSPER System owner:</b> European Commission, Directorate General Human Resources and Security (HR.D.2) Rue Montoyer 34, 1000 Bruxelles, Belgium <b>SYSPER System provider:</b> Directorate-General for Digital Services (DG DIGIT), European Commission 1049 Bruxelles/Brussel, Belgium Belgium
<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>Corporate Record</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Language of the record</b>	English

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<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, Resources Unit, HR Sector (HR sector) collects and processes the personal data of the European Labour Authority (ELA) staff members in the context of NDP (“Numérisation des Dossiers Personnels”) / personal files, in order to make them accessible to the staff members as well as to file managers to settle the rights of the staff members.

The HR Sector, manages the individual personal files of staff covered by the Staff Regulations. In order to facilitate the digital management of personal files in general, ELA is going to use the NDP – Personal Files Module under SYSPER provided by the European Commission, DG HR as System owner and supported by DG DIGIT as system supplier.

Sysper is covered by the record of the European Commission “[DPR-EC-01850 – Management of personal files](#)” and “[DPR-EC-01847 on transfer of the individual personal file of officials, temporary and contract staff between the Commission and other institutions or bodies of the EU](#)”.

The individual personal file contains all the documents representing all the decisions taken by the institution with regard to a staff member or a former staff member, their relatives and the fundamental external documents transmitted by the staff member at the time of recruitment and during their career.

The NDP-personal files allows the ELA HR Sector to create files, allows for the digitalization and uploading of documents, the printing of a whole file or part of it, the moving of a document within a file following an indexing error or to another file, the deletion of documents, the creation and granting of access rights to file managers. However, it does not allow any profiling or statistical analysis in relation to personal data.

### 1.2.2 Processing for further purposes

- Archiving in the public interest
- Scientific or historical research purposes
- Statistical purposes
- N/A

Safeguards in place to ensure data minimisation

- Pseudonymisation
- Any other, specify

This process is related to COMREF database covered by DPR-EC-01486, used to create active users in an European institution or Agency.

### 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
3.  Any other mode, specify

**Description**

For each individual file, the processing consists of identifying documents, scanning or uploading them and validating them in the SYSPER NDP application in order to make them available to the official/other servant and to the authorized services.

**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
- 4.  Others, specify

**Description**

All the personal data are stored in the databases NDP stored on the servers of the Data Centre of the Commission located in Brussels and Luxembourg.

**1.2.5 Comments on the processing of the data**

The entire system is managed by European Commission DG DIGIT. All files are stored at the Data Centre and benefit from the security for the Commission’s IT infrastructure, in addition to the specific features of the SYSPER application.

**1.3 DATA SUBJECTS AND DATA CATEGORIES**

**1.3.1 Data subjects' categories**

1. Internal to organisation	ELA HR Sector collects the data of the staff members (active, non active and retired) covered by the Staff Regulation and the conditions of employment of other servants of the European Union. Namely: -Officials of the European Labour Authority; -Special advisors; -Temporary agents; -Auxiliary agents; -Contractual agents; -Former staff members on termination of service (pension, end contract, etc).
2. External to organisation	Family members of staff members: parents, grandparents, children, spouses (and assimilates, recognized legal partner, civil partnership) and potentially any other depending from the staff member.

**1.3.2 Data categories/fields**

The individual personal file contains all the documents representing all the decisions taken by the institution with regard to a staff member or a former staff member, their relatives and the fundamental external documents transmitted by the staff member at the time of recruitment and during their career.

The types of data collected and processed are listed in three subfolders which are grouped as follows:

**Administrative file (application file, acts during the career):**

- Study certificates: copies of the diploma(s) attesting a successful completion of the required level of education and of any other diplomas obtained; documents proving third language; courses/languages/training certificate
- Employment certificates: evidence of the candidate's professional experience clearly indicating starting and finishing dates and the nature of the duties carried out (e.g. employment contracts, employers' references, pay slips)
- Recruitment files (correspondence: Offer letter, letter of acceptance; Vacancy notice, Job description)
- Medical fitness (certificate)
- Personal information sheet;
- Address and Person to inform;
- Pension rights;
- Control Documents on End of service/Transfer (Leaving form - transfer/Termination/CCP);

**Assessment file**

- Determination of professional experience, grading
- Contract: Contract of Employment, Contract decision, visa, routing slip, acknowledgement of receipt
- Appointment: decision, visa (routing slip), acknowledgement of receipt
- Interinstitutional transfer decisions
- Amendments and Extensions of Contract: Contract renewal, decision (incl. mobility inside the agency), visa (routing slip), acknowledgement of receipt, Statement.
- Report on the Probationer/Extensions (Report on the Probationary Period + objectives)
- Establishment Decision: decision, visa (routing slip) acknowledgement of receipt
- Reinstatement following invalidity: decision, acknowledgement of receipt
- Career development:
  - Promotions: decision, visa, routing slip, acknowledgement of receipt, miscellaneous
  - Advancement to the next step in grade (Change in admin career, decision, routing slip, acknowledgement of receipt, miscellaneous)
  - Decisions on Taking Up Appointment, Transfers (art.29)
  - Change of Category and Regrading Decisions / Attestation / Certification (Reclassification e-mail,
  - reclassification decision, routing slip, acknowledgment of receipt; attestation/certification decision, routing slip, acknowledgment of receipt)
  - Secondment
  - Change of Place of Employment (art.7) (Reassignment, Letter of assignment; decision, routing slip, acknowledgement of receipt)
  - Leave on Personal Grounds (LPG) (LPG: Agreement/Renewal/Reinstatement (incl. Leave without remuneration), JSIS Cover (LPG), Pension Cover (LPG)
  - Special leaves (maternity or foster leave, breastfeeding leave)
  - Work patterns: Part Time Activity, Parental and Family Leave, teleworking
  - Termination Carrer/Employment/Resignation/Invalidity
  - Acknowledgement of Receipt miscellaneous
  - Additional work, external work and gifts: Outside activities, Conflict of Interest declaration
  - Allowances position: Allowances(i.e.: allowances for shiftwork/stand by duty allowances), overtime flat fee
  - Complaints (on Administrative Matters): Administrative Complaints, Decision by the Authority, Acknowledgement of receipt.
  - Miscellaneous (Administration File): Training application, Certificate of employment, On-boarding checklist, letter of appreciation

**Private file (personal and family documents)**

- Personal and family documents: Birth certificates, Nationality/Identity card/Passport; Change of name/first name, residence certificates (MFA card), Criminal record, Military Service, Certificate/Civil Service, Marriage certificate, Birth certificate of the children, adoption/recognition of a child/child under guardianship; members of the household, death certificate, divorce/separation/custody, life community certificate/Partnership, civil status certificate, driving license
- Bank information/Legal entity (LEF, BAF)
- Entry into service: Note for the File (Checklist Ex Ante), acknowledgement of receipt/Declaration

- Rights and Obligations, Establishment of rights (financial), Settlement of individual entitlements, PMO declaration forms, JSIS confidential declaration form, declaration of arrival.

### 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):**

Data revealing

- racial or ethnic origin,
- political opinions,
- religious or philosophical beliefs,
- trade union membership,

Or/and,

- Genetic data, biometric data for the purpose of uniquely identifying a natural person,
- Data concerning health,
- Data concerning a natural person's sex life or sexual orientation.

In accordance with Article 26 of the Staff Regulations, the personal file shall contain no references to the staff member's political, trade union, philosophical or religious activities and views, or to his racial or ethnic origin or sexual orientation.

However, the personal file of the staff member contains the following documents which may contain some personal data falling under the special categories of personal data (Article 10 (1) of the Regulation):

- Medical fitness (which might indirectly reveal data concerning the health of the staff member),
- Marriage or legal cohabitant certificate (which may indirectly reveal data concerning natural person's sexual orientation),
- Birth certificate and children certificate (which may indirectly reveal data concerning racial or ethnic origin),
- Request and decision taken upon Art. 15 SR (which may indirectly reveal data concerning political opinion or orientation),
- Request and decision taken upon Art. 12b - 16 SR on activities may contain information related to personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership
- Decision on invalidity (which by nature reveals data concerning health of the staff member)
- Copy of passport or ID containing some biometrical data or information regarding religious beliefs of the staff member (which may indirectly reveal racial or ethnic origin and, biometric data).

Such data are processed according to Article 10 (2) b) of the Regulation (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).

**If applicable, indicate the reasons under article 10(2) allowing the processing of the special categories of data:**

- (a)  The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, [...].
- (b)  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 [...].
- (c)  Processing is necessary to protect the vital interests of the data subject or of another person where the data subject is physically or legally incapable of giving consent.

- (d)  Processing is carried out in the course of its legitimate activities with appropriate safeguards by a non-profit-seeking body which constitutes an entity integrated in a Union institution or body and with a political, philosophical, religious or trade-union aim [...].
- (e)  Processing relates to personal data which are manifestly made public by the data subject.
- (f)  Processing is necessary for the establishment, exercise or defense of legal claims or whenever the Court of Justice of the European Union is acting in its judicial capacity.
- (g)  Processing is necessary for reasons of substantial public interest, [...]
- (h)  Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services [...].
- (i)  Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices [...].
- (j)  Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes [...].

**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:

<b>Data category</b>	<b>Retention period</b>
Individual personal file	<i>The personal data stored in the personal files (in paper and electronic form) will be retained for a period of 10 years as of the termination of employment or as of the last pension payment.</i>
Personal file stored in NPD information	<i>at least 100 years after the recruitment of the person concerned and 8 years after the termination of the rights of the beneficiaries concerned.</i>

**Description**

**For ELA:** The personal data stored in the personal files (in paper and electronic form) will be retained for a period of 10 years as of the termination of employment or as of the last pension payment. The ELA will lose access to the NDP file in case of transfer of the staff member to another EU institution.

**For European Commission/DG HR:** The personal files are stored in NDP tool for the time necessary to fulfil the purpose of collection or further processing, namely for at least 100 years after the recruitment of the person concerned and 8 years after the termination of the rights of the beneficiaries concerned.

**1.5 RECIPIENTS**

<b>Origin of the recipients of the data</b>	
1. <input checked="" type="checkbox"/> Within the EU organization	ELA staff

2. <input checked="" type="checkbox"/> Outside the EU organization	European Commission (DG HR or DG DIGIT) PMO Retired ELA staff Lawyers IT external contractors Other EU institutions/Agencies
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<b>Categories of the data recipients</b>
1. <input type="checkbox"/> A natural or legal person
2. <input type="checkbox"/> Public authority
3. <input type="checkbox"/> Agency
4. <input type="checkbox"/> Any other third party, specify

**Description**

Only staff members working in the ELA HR Sector can access to the personal file office (ad-hoc and limited access). As processor also authorised staff from the European Commission HR, PMO or DG DIGIT might have access to perform their tasks of support ELA HR Sector.

Exceptionally and if necessary, information concerning the management of personal files may be disclosed to external lawyers (advocates) subject to the GDPR for specific and limited purposes only. In this case a written contract (service contract) is signed between the ELA and the external lawyer in order to ensure that Article 29 of the Data Protection Regulation of the EU institutions is respected by the data processor. These written contracts follow the model of the Commission and include a specific clauses on personal data protection.

Staff in active employment can freely consult their personal file in a secure manner via SYSPER application due to the computerization of the personal file via NDP application (Numérisation des Dossiers Personnels). In case of transfer to another EU institution/agency/body, staff member in charge of personal files in this EU institution/agency will receive access to the personal data of data subjects in the event that the personal file has been transferred.

For retired staff or staff who have ceased in their functions, the consultation of the personal file can still be done. Upon request, in case of non-active staff, the ELA HR Sector can send a copy of personal file zipped and password protected by email or an USB key encrypted and password protected via a delivery service.

**1.6 INTERNATIONAL DATA TRANSFERS**

<b>Transfer to third countries or international organisations of personal data</b>	
<b>1. Transfer outside of the EU or EEA</b>	
<input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur	
<input type="checkbox"/> YES,	
Country(ies) to which the data is transferred	
<b>2. Transfer to international organisation(s)</b>	
<input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur	
<input type="checkbox"/> Yes, specify further details about the transfer below	
Names of the international organisations to which the data is transferred	
<b>3. Legal base for the data transfer</b>	



- Transfer on the basis of the European Commission's **adequacy decision** (*Article 47*)
- Transfer subject to **appropriate safeguards** (*Article 48.2 and .3*), specify:
2. (a)  A legally binding and enforceable instrument between public authorities or bodies.
- Standard data protection clauses, adopted by
- (b)  the Commission, or
- (c)  the European Data Protection Supervisor and approved by the Commission, pursuant to the examination procedure referred to in Article 96(2).
- (d)  Binding corporate rules,  Codes of conduct ,  Certification mechanism pursuant to points (b), (e) and (f) of Article 46(2) of Regulation (EU) 2016/679, where the processor is not a Union institution or body.
3. Subject to the authorisation from the European Data Protection Supervisor:
- Contractual clauses between the controller or processor and the controller, processor or the recipient of the personal data in the third country or international organisation.
- Administrative arrangements between public authorities or bodies which include enforceable and effective data subject rights.
- Transfer based on an **international agreement** (*Article 49*), specify

**4. Derogations for specific situations** (Article 50.1 (a) –(g))

N /A

Yes, derogation(s) for specific situations in accordance with article 50.1 (a) –(g) apply (ies).

In the absence of an adequacy decision , or of appropriate safeguards, transfer of personal data to a third country or an international organisation is based on the following condition(s):

- (a)  The data subject has explicitly consented to the proposed transfer, after having been informed of the possible risks of such transfers for the data subject due to the absence of an adequacy decision and appropriate safeguards
- (b)  The transfer is necessary for the performance of a contract between the data subject and the controller or the implementation of pre-contractual measures taken at the data subject's request
- (c)  The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the controller and another natural or legal person
- (d)  The transfer is necessary for important reasons of public interest
- (e)  The transfer is necessary for the establishment, exercise or defense of legal claims
- (f)  The transfer is necessary in order to protect the vital interests of the data subject or of other persons, where the data subject is physically or legally incapable of giving consent
- (g)  The transfer is made from a register which, according to Union law, is intended to provide information to the public and which is open to consultation either by the public in general or by any person who can demonstrate a legitimate interest, but only to the extent that the conditions laid down in Union law for consultation are fulfilled in the particular case

**Description**

No international transfer is foreseen.

**1.7 INFORMATION TO DATA SUBJECTS ON THEIR RIGHTS**

<b>Rights of the data subjects</b>
<i>Article 17 – Right of access by the data subject</i>

*Article 18 – Right to rectification*

*Article 19 – Right to erasure (right to be forgotten)*

*Article 20 – Right to restriction of processing*

*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 a 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

PS available on ELA HR Sharepoint.

Guidance for Data subjects which explains how and where to consult the privacy statement is available and will be provided at the beginning of the processing operation.

Guidance on data subjects rights available on ELA main website.

### 1.8 SECURITY MEASURES

Short summary of overall Technical and Organizational 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 European Labour Authority or of its contractors.

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

In order to protect personal data, the European Labour Authority 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.

#### For the servers in the European Commission:

The Data is stored and hosted by the DIGIT Data Center and meets the DG DIGIT security standards. All processing operations are carried out pursuant to the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission. In order to protect the personal data, the Commission 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.