



European Labour Authority

DATA PROTECTION OFFICER

**RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA**

DPR-ELA-2022-0054: ELA research activities related to tackling undeclared work, and inspections and risk assessment in the domain of labour mobility in the Member States

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

<b>Record reference</b>	DPR-ELA-2022-0054
<b>Title of the processing operation</b>	ELA research activities related to tackling undeclared work, and inspections and risk assessment in the domain of labour mobility in the Member States
<b>Controller entity</b>	European Labour Authority, Enforcement and Analysis Unit
<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>Milieu Consulting</b> Chaussée de Charleroi 112, 1060 Brussels, Belgium  <b>European Social Affairs, Management and Communication (Eftheia)</b> Avenue Paul Deschanel 62, 1030 Bruxelles  <b>Ecorys Europe EEIG</b> Avenue des Arts 46 1000 Brussels – Belgium  <b>KU Leuven</b> Katholieke Universiteit Leuven Oude Markt 13, 3000 Leuven, Belgium  <b>European Centre</b> Europaisches Zentrum Fur Wohlfahrtspolitik Und Sozialforschung, Berggasse 17, 1090 Wien, Austria
<b>Data Protection Officer Name and contact details</b>	Daniela Qatam Benetin 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

<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

According to the Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019, the European Labour Authority (ELA) has established an analytical and risk assessment capacity, which includes facilitating concerted and joint inspections in the Member States.

The ELA aims to contribute to ensuring fair labour mobility across the Union and assist Member States and the Commission in the enforcement of labour mobility law within the Union. To that end, ELA aims to carry out research on the different administrative practices, tools and challenges between Member States' competent authorities in relation to different areas within the Authority's competences, such as road transport, construction, posted workers, among others, focused on specific sectors or categories of workers.

The main purpose of these studies is to assist the Member States in the effective and uniform application of the EU legislation regulating the labour mobility field. The scope of each study is limited to the areas within the Authority's competence. A specific Privacy Statement will be prepared for each study.

### 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
2. ☒ Manual processing
  - a. ☒ Word documents
  - b. ☒ Excel sheet
  - c. ☐ Any other, specify

### 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:

The external contractor will gather all the personal data on behalf of the European Labour Authority.

In case data are stored on a contractor's server (if an external company acts as a processor), contractors are bound by a specific contractual clause for any processing operations carried out on behalf of the European Labour Authority, and by the confidentiality obligations deriving from the General Data Protection Regulation.

### 1.3 DATA SUBJECTS AND DATA CATEGORIES

#### 1.3.1 Data subjects' categories

1. Internal to organisation	<input checked="" type="checkbox"/> N/A
2. External to organisation	<input checked="" type="checkbox"/> Yes Research participants, relevant external stakeholders, researchers, experts on a specific sector related to labour mobility, contact persons from national authorities, public representatives of social partners or professional associations/chambers.

#### 1.3.2 Data categories/fields

The personal data varies from one research activity to another. The specific privacy statement will provide the necessary categories of personal data and the reasons for them.

However, the following types of personal data are typically processed:

**For research participants:**

- **Identification data:** Name, surname, exact title of the function of the interviewee within the competent authority/organisation, contact details (telephone, e-mail).
- **Interview data:** Experiences, best practices and opinion about a specific situation, aim of the interview and date.
- **AudioVideo recordings** of the interviews can be performed to ensure the verbatim record of what was said during the interview.

**For reseachers and experts:**

**Identification data:** Name, surname, CV, contact details.

**Contact persons from national authorities and public representatives of social partners or professional associations/chambers:**

**Identification data:** Name, surname, title/function within the authority or institution, and contact details (e.g. official email address, telephone number).

##### 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.

☒ N/A

**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'

The data being processed contain sensitive data which fall(s) under Article 11 'criminal convictions and offences'	N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
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#### 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
Identification data	2 years from the publication of the study/report.
Interview data	2 years from the publication of the study/report.
AudioVideorecording	1 year from the moment of data collection

External processors will delete all personal data related to this research project no later than 2 years from the publication of the study. All Identification data of research participants and contact persons from national authorities and public representatives of social partners or professional associations/chambers, will be deleted by the external processors no later than 2 years from the publication of the study/report.

The retention of personal data of researchers and experts by the external contractors is governed by the contractual obligations and applicable legal requirements arising from their engagement.

### 1.5 RECIPIENTS

Origin of the recipients of the data	
1. <input checked="" type="checkbox"/> Within the EU organization	ELA Enforcement and Analysis Unit on a need to know basis
2. <input checked="" type="checkbox"/> Outside the EU organization	External contractor staff on a need to know basis

  

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

#### Description

##### For research participants:

Your personal data is collected by the external contractor, who acts on behalf of ELA. ELA staff will not have access to your personal data. 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.

##### For reseachers and experts:

Access to your personal data is provided by the external contractor 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.

##### For contact persons from national authorities and public representatives of social partners or professional associations/chambers:

Access to your personal data is provided by ELA to the external contractor to request support for identifying suitable interviewees.

Any report published by the European Labour Authority will not contain personal data.

### 1.6 INTERNATIONAL DATA TRANSFERS

Transfer to third countries or international organisations of personal data
<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,
<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
<b>3. Derogations for specific situations</b> (Article 50.1 (a) –(g)) <input checked="" type="checkbox"/> N /A <input type="checkbox"/> Yes, derogation(s) for specific situations in accordance with article 50.1 (a) –(g) apply (ies).

**Description**

No international transfer is foreseen.

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

Rights of the data subjects
<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> <p><i>Article 21 – Notification obligation regarding rectification or erasure of personal data or restriction of processing</i></p> <p><i>Article 22 – Right to data portability</i></p> <p><i>Article 23 – Right to object</i></p> <p><i>Article 24 – Rights related to Automated individual decision-making, including profiling</i></p>

**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 protection )
- External website ☒ (URL: <https://www.ela.europa.eu/en/privacy-policy> )

☒ Other form of publication, specify

Privacy Statement will be shared with the external contractor and made available for each interview to the person concern.

☒ 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.  
Data protection guidelines for the interviews are prepared.

**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.