

PRIVACY STATEMENT
PROTECTION OF YOUR PERSONAL DATA

Processing operation: Processing of requests and complaints under Article 90 of the Staff Regulation.

Data Controller: European Labour Authority – Legal & Compliance Sector

Record reference: DPR-ELA-2023-0012

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1. Introduction

This privacy statement explains the reason for the processing, the way personal data are collected, handled and protected, how that information is used and what rights you may exercise in relation to your personal data.

The European Labour Authority (hereafter 'ELA') is committed to protect your personal data and to respect your privacy. As this processing operation involves the collection and further processing of personal data, Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 applies.

This privacy statement concerns the processing of personal data in the context of requests submitted under Article 90(1) and Article 90(2) of the Staff Regulations.

For the purposes of this processing operation, complaints submitted by Seconded National Experts under Article 24 of the applicable rules are treated as complaints under Article 90(2) of the Staff Regulation, in accordance with the applicable internal rules governing the handling of requests and complaints under Article 90 of the Staff Regulation.

2. Why do we process your personal data?

Purpose of the processing operation:

The Legal & Compliance Sector of the European Labour Authority processes personal data to assess requests and complaints submitted under Article 90 of the Staff Regulation and to prepare a reasoned reply to be adopted by the Appointing Authority.

The processing of personal data consists in collecting and analysing the information necessary to assess the legality of the contested administrative decision and to ensure that the request or complaint is handled in a fair, transparent and lawful manner.

The purpose of this processing is limited to the examination of the request or complaint and the preparation of a decision by the Appointing Authority.

Personal data will not be further processed in a manner incompatible with these purposes.

Lawfulness of the processing:

We process your personal data in accordance with Article 5(1) of Regulation (EU) 2018/1725, because:

(a) the processing is necessary for the performance of a task carried out in the public interest and in the exercise of official authority vested in the European Labour Authority; and

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

The legal basis for this processing is Article 90 of the Staff Regulations of Officials of the European Union, as implemented by the European Labour Authority, as well as Regulation (EU) 2019/1149 establishing the European Labour Authority and the applicable internal rules governing the handling of requests and complaints under Article 90.

Article 24 of Decision No 07/2024 of ELA Management Board on SNE Rules:

" Without prejudice to the possibilities for instituting proceedings after taking up their position, under the conditions and time limits laid down in Article 263 of the Treaty on the Functioning of the European Union, any SNE may submit a complaint to the Executive Director about an act adopted by the Authority services under this Decision which adversely affects them, with the exception of decisions which are direct consequences of decisions taken by their employer. "

Where strictly necessary for the assessment of a request or complaint, ELA may process special categories of personal data in accordance with Articles 10 and 11 of Regulation (EU) 2018/1725, subject to appropriate safeguards.

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

Depending on the circumstances of the individual case, the following categories of personal data may be processed:

- Personal data provided by the person concerned in the context of the request or complaint.
- Personal data provided by the service responsible for the contested decision or by other; relevant service(s) having information necessary for the assessment of the request or complaint.
- Personal data stored in data bases accessible to the Legal & Compliance Sector and, where necessary, to the Human Resources Sector on a strict need-to-know basis.

Depending on the subject matter of the request or complaint, special categories of personal data, such as data concerning health, may also be processed where strictly necessary for the assessment of the case and subject to appropriate safeguards.

We process special categories of personal data, because:

(a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union law provides that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

(b) 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 and social security and social protection law insofar as it is authorised by Union law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

(e) the processing relates to personal data which are manifestly made public by the data subject;

(f) the processing is necessary for the establishment, exercise or defence of legal claims or whenever the Court of Justice is acting in its judicial capacity;

(h) the 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 on the basis of Union law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

Only authorised staff responsible for handling the case have temporary access to the personal file of the data subject, solely for the purpose of assessing the request or complaint.

4. How long do we keep your personal data?

The European Labour Authority retains personal data only for the period necessary to fulfil the purposes for which they are collected or further processed.

Personal data processed in the context of requests and complaints under Article 90 of the Staff Regulations are retained for a period of five (5) years in paper format and fifteen (15) years in electronic format.

After the expiry of these retention periods, the data are transferred to the Historical Archives of the European Union and kept there permanently.

These retention periods are defined in the Record of Processing Operations and are justified by the need to consult and compare previous cases handled within the Legal & Compliance Sector, in order to ensure the uniform and consistent application of the Staff Regulation.

5. How do we protect your personal data?

All 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 on those of its contractors, which are bound by a specific contractual clauses and confidentiality obligations.

In accordance with Management Board Decision 4/2024 on Security Rules for handling Sensitive Non-Classified Information, personal data processed in the context of Article 90 requests and complaints are classified as Sensitive Non-Classified information and handled and stored accordingly.

The European Labour Authority has put in place appropriate technical and organisational measures to protect personal data against unauthorised access, loss, alteration or disclosure. These measures include restricting access to personal data to authorised staff on a strict need-to-know basis.

6. Who has access to your personal data and to whom is it disclosed?

Access to personal data is granted only to authorised staff of the European Labour Authority, in accordance with the need-to-know principle.

In particular, access to personal data may be granted to:

- The Legal & Compliance Sector;
- The Executive Director, acting as Appointing Authority;
- The Human Resources Sector, in a supporting role and only where necessary;
- The European Commission (DG HR – Appeals and Case monitoring Unit), where coordination is required,
- Courts, legal advisers or other competent bodies in the context of judicial or administrative proceedings.

Personal data are not disclosed to third parties outside the European Union, except where required by law.

7. What are your rights and how can you exercise them?

In accordance with Regulation (EU) 2018/1725, you have the right to access your personal data, request their rectification or erasure, restrict their processing, and object to their processing under the conditions laid down in that Regulation.

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.

Requests to exercise data protection rights are handled separately from the Article 90 procedure, in accordance with the applicable internal procedures of the European Labour Authority.

8. Contact information

If you have questions or concerns regarding the processing of your personal data, you may contact:

- 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, compliance@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.

9. 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: [Privacy policy | European Labour Authority](#)

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR-ELA-2023-0012 Processing of complaints and requests under Article 90 of the Staff Regulation.