

PROTECTION OF YOUR PERSONAL DATA

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

Processing operation: ELA Election to the Staff Committee - Electronic voting

Data Controller: European Labour Authority, Resources Unit, Human Resources Team (ELA HR Team)

Record reference: DPR-ELA-2022-0037

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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 "ELA Election to the Staff Committee - Electronic voting" undertaken by the European Labour Authority, Resources Unit, Human Resources Team (ELA HR Team) is presented below.

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

Purpose of the processing operation: ELA HR Team collects and uses your personal information to collect and count the votes cast in the elections of the Staff Committee in order to publish, analyse and implement adequately the results of the vote.

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)(a) of Regulation (EU) 2018/1725, the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body.

Legal basis:

- Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing the European Labour Authority (hereafter "the Authority" or "ELA") amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344;
- Staff Regulations of Officials, laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68 (hereinafter referred to as "Staff Regulations") and to the Conditions of Employment of Other Servants of the European Union (hereinafter referred to as "CEOS"), both as latest amended by Regulation (EU, EURATOM) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, and in particular Annex II of the Staff Regulations;
- ELA Decision 20/2021 of 10 November 2021 of the Management Board on setting up a Staff Committee, in particular Article 9

We process **special categories of personal data**, Article 10 of the Regulation applies. In particular, in this specific operation, we process trade union membership.

According to Article 10(2) of Regulation (EU) 2018/1725, this process is lawfully, because:

(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;

(d) the 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 and on condition that the processing relates solely to the members or to former members of this body or to persons who have regular contact with it in connection with its purposes and that the data are not disclosed outside that body without the consent of the data subjects;

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

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

In order to carry out this processing operation ELA HR Team collects the following categories of personal data:

- Concerning the **voters**: first name, family name, category of staff, email address and date of entry to service, date of end of the contract.
- Concerning the **candidates**: first name, family name, email address, gender, category of staff, nationality, age and seniority in the ELA, date of entry to service, date of end of the contract.

Access to elaborate the list of electors and candidates is done on a need-to-know basis.

Once the list is elaborated, it is published internally and, therefore, accessible to all candidates and voters:

- List of voters contains the following personal data: first name, family name.
- The public version of the list of candidates contains the following personal data: first name, family name, category of staff, trade union membership, number of the candidate in the list, number of order in the list.

Once the list of voters is published, a rectification in case of error can be requested to ELA DG HR.

The provision of personal data is mandatory to meet a legal requirement: 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?

ELA HR Team only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for (15) days after the elections.

Scrutiny data /results will be kept in a secured external media and processing for statistical purpose. Will be destroyed after 1 year of the elections.

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.

Election Committee will have access to all data categories.

Only the persons in charge in the operating Units/Teams (ELA IT Team and ELA HR Team) will have access to the all personal data on the list of voters and the list of candidates.

Given the publication of the list of voters and the list of candidates on ELA SharePoint, all staff serving in the European Labour Authority could have access to the personal data indicated above: list of voters, list of candidates.

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:

electioncommittee@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: www.ela.europa.eu/privacy-policy

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR-ELA-2022-0037: ELA Election to the Staff Committee - Electronic voting.