



**European Labour Authority**

DATA PROTECTION OFFICER

**RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA**

DPR-ELA-2022-0037: ELA Election to the Staff Committee - Electronic voting

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

<b>Record reference</b>	DPR-ELA-2022-0037
<b>Title of the processing operation</b>	ELA Election to the Staff Committee - Electronic voting
<b>Controller entity</b>	European Labour Authority, Resources Unit, Human Resources Team (ELA HR Team)
<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 Online voting tool: MS Forms (anonymous survey).  Microsoft Forms is an online survey creator, part of Office 365.  Microsoft Ireland South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, Ireland
<b>Data Protection Officer Name and contact details</b>	Laura NUNEZ BAREZ 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, Human Resources Team (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.

In accordance with the rules governing the election of the ELA Staff Committee, the election proceedings will be organized by an Election Committee appointed at ELA.

Staff members entitled to vote will cast their votes through a direct and anonymized online voting tool that will ensure the anonymity of the voters and prevent double voting. No connection can be made between an elector and a vote.

Prior to the election, ELA HR Team will extract the list of electors and the list of candidates in order to publish both on an internal platform.

The publication of these lists allows the interested parties to check the contents and, eventually detect errors.

If any error is detected, ELA HR Team will correct the errors reported to them.

### 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
    - iii.  Any other, specify

Staff members entitled to vote will cast their votes through a direct and anonymized online voting tool that will ensure the anonymity of the voters and prevent double voting. The data collected by MS Forms can be exported to Microsoft Excel.

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

The Election Committee will provide a colleague from IT with the electronic ballot containing the list of candidates in alphabetical order, and the list of staff members eligible to vote. The link to the online voting tool will be created by IT and share with the Election Committee. Only Members of the Election Committee and an HR Officer assisting the elections procedure will have access to the online voting tool.

3.  Any other mode, specify

The day of the elections or within the next two working days after them, the election committee will extract the e-voting results and issue them. The exact number of electronic ballots will need to be compared with the number of voters.

The Election Committee will inform via email the staff members of the provisional results of the vote and will provide with a written and signed report on the outcome of the election to the Executive Director.

**Description**

The collection and the counting of the votes are processed based on two different files, namely:

1. Files:
  - a. list of electors and candidates (candidates are voters) and,
  - b. list of votes cast.

These files are not connected. No connection can be made between an elector and a vote.

1. Modules:
  - a. electoral office - allows the lists of candidates to be constituted
  - b. collection- allows the voters to vote from their PC, and
  - c. counting -counts the votes received by each candidate.

**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

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

ELA staff are provided with the MS O365 Office products to be able to access work documents from different devices and locations, and to carry out ELA’s tasks.

**1.3 DATA SUBJECTS AND DATA CATEGORIES**

**1.3.1 Data subjects' categories**

1. Internal to organisation	<p>ELA HR Team collects the data of two type of data subjects:</p> <p><b>Voters/electors:</b> All staff members under the Staff Regulations and CEOS with an indefinite contract or whose contract is for one year or more. Also staff members whose contract is for less than one year, if they have been employed for at least 6 months.</p> <p><b>Candidates to the Staff Committee:</b> All staff members under the Staff Regulations and CEOS with an indefinite contract or whose contract is for one year or more.</p>
2. External to organisation	<input checked="" type="checkbox"/> N/A

**1.3.2 Data categories/fields**

ELA HR Team collects the following information:

- 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.

### 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.

#### Description:

Membership of the candidates in a trade-union that presents lists for the election of the Staff Committee.

The public version of the list of candidates may contain 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.

**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 [...].

#### Additional information

##### 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"/>
Description:	

#### 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	Optional	
		Start date/moment	End date/moment
Data contained in the electors' list	All personal data are erased from the database and all paper documents containing personal data are destroyed <b>fifteen (15) days</b> after the elections if no follow-up action is carried.		
Data contained in the candidates' list	All personal data are erased from the database and all paper documents containing personal data are destroyed <b>fifteen (15) days</b> after the elections if no follow-up action is carried.		
Scrutiny data /results Identification data from electors and or candidates	Will be kept in a secured external media and processing for statistical purpose. Will be destroyed after <b>1 year</b> of the elections.		

#### Description

All personal data are erased from the database and all paper documents containing personal data are destroyed fifteen (15) days after the elections if no follow-up action is carried.

Staff members entitled to vote will cast their votes through a direct and anonymized online voting tool that will ensure the anonymity of the voters and prevent double voting. No connection can be made between an elector and a vote.

In case of complaint/appeal against the electoral results, the controller keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely to collect and count the votes cast in the elections of the Staff Committee.

The controller saves a copy of the results of the elections on a secured non-rewritable external media (CD-ROM) for the processing for statistical purpose and destroyed after one year of the election.

## 1.5 RECIPIENTS

Origin of the recipients of the data	
1. <input checked="" type="checkbox"/> Within the EU organization	Election Committee ELA HR Team ELA IT Team ELA staff
2. <input type="checkbox"/> Outside the EU organization	

Categories of the data recipients	
1. <input checked="" 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

Election Committee will have access to all data categories.

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.

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.

## 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,	
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	

**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>
<i>Article 18 – Right to rectification</i>
<i>Article 19 – Right to erasure (right to be forgotten)</i>
<i>Article 20 – Right to restriction of processing</i>
<i>Article 21 – Notification obligation regarding rectification or erasure of personal data or restriction of processing</i>
<i>Article 22 – Right to data portability</i>
<i>Article 23 – Right to object</i>
<i>Article 24 – Rights related to Automated individual decision-making, including profiling</i>

**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: [www.ela.europa.eu](http://www.ela.europa.eu) )

Other form of publication, specify

The Privacy statement will be attached to the announcement of the elections.

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.

**Description:**

Rules governing the election of the ELA Staff Committee is available to all ELA Staff. Privacy Statement will be published with the announcement of the elections.

**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.