

## **PROTECTION OF YOUR PERSONAL DATA**

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

**Processing operation:** Anti-harassment procedure: selection of confidential counsellors at ELA

**Data Controller:** European Labour Authority, Human Resources Sector (ELA HR)

**Record reference:** DPR-ELA-2022-0031

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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 "Anti-harassment procedure", in particular Selection of confidential counsellors at ELA, undertaken by ELA HR is presented below.

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

Purpose of the processing operation: ELA HR collects and uses your personal information to protect the dignity of the person and preventing psychological harassment and sexual harassment at work.

In line with the policy on the prevention of psychological harassment and sexual harassment at the ELA, annexed to Decision No 6/2022 of 15 March 2022 of the Management Board, this Privacy Statement aims to cover the selection procedure for the confidential counsellors at ELA in the Manual of Informal Procedures within the framework of the ELA policy on the prevention of harassment.

Confidential counsellors are staff members appointed by the Executive Director for a two-year term, on a voluntary basis. Their role and mandate is to listen, help, support, provide information and accompany persons seeking their assistance in situations perceived to involve psychological or sexual harassment. Their role starts when they are contacted by an alleged victim of psychological or sexual harassment and it continues in case an informal procedure is opened and until its closure.

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)(d) of Regulation (EU)2018/1725, you have given consent to the processing of your personal data for one or more specific purposes.

We do not process **special categories of personal data**, therefore Article 10 of the Regulation does not apply.

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

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

Name, Surname, Gender, Email, personal data related to the eligibility criteria (Status: Temporary Agent/Contract Agent), personal data related to exclusion and selection criteria, self-assessment application form, statement of honour dated and signed.

*Exclusion criteria will be any of the following: elected staff committee representative, staff responsible for the harassment prevention policy, staff responsible for handling requests/complaints/appeals or administrative inquiries or disciplinary procedures, , any person whom are subject to an administrative inquiry or disciplinary proceedings or persons who have been subject to a disciplinary sanction*

The provision of personal data is not mandatory.

#### **5. How long do we keep your personal data?**

ELA HR only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for:

- Non selected candidates: will be destroyed immediately after the selection and nomination of the selected candidates is finished.
- Selected candidates: 2 years term, which may be renewed. Personal data will be deleted once the term is finished.

#### **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.

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 consented to provide your personal data to ELA HR for the present processing operation. You can withdraw your consent at any time by notifying the Data Controller. The withdrawal will not affect the lawfulness of the processing carried out before you have withdrawn the consent.

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:

[anti-harassment@ela.europa.eu](mailto:anti-harassment@ela.europa.eu)

### **- The Data Protection Officer (DPO) of ELA**

You may contact the Data Protection Officer ([data-protection@ela.europa.eu](mailto: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](mailto: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: <https://www.ela.europa.eu/en/privacy-policy>

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR-ELA-2022-0031: Anti-harassment procedure.