

PROTECTION OF YOUR PERSONAL DATA

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

Processing operation: ELA declarations related to professional ethics

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

Record reference: DPR-ELA-2022-0033

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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 declarations related to professional ethics" undertaken by 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 handle requests for authorisation/ethical statements arising from the rights and obligations of officials and other servants of the Union.

The European Labour Authority (ELA) aims to encourage the highest standards of administration, professional ethics, integrity and independence and identify and disclose, in a transparent and consistent manner, the handling of situations where potential conflicts of interests may arise in order to avoid any conflict between the ELA public duties and any kind of private interest of staff.

Applications for authorisation/declarations concern:

- outside activity for staff in active employment;
- professional activity during leave on personal grounds;
- the activity of staff who have left the Commission (invalidity, pension, end of contract);
- permission to receive a decoration;
- permission to keep a gift;
- the activity of the spouse;
- the publication of articles the subject matter of which relates to the activities of the Union;
- participation in an election campaign;
- conflict of interest declaration upon entry in the service;
- election to public office.

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) of Regulation (EU) 2018/1725:

(a) 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;

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

Legal basis:

- Data are processed in compliance with rules of the Staff Regulations of Officials of the European Union (Articles 11, 11a, 12b, 13, 15, 16, 17, 17a and 40), Annex VIII thereto (Articles 13 and 40), the corresponding provisions of the Conditions of Employment of Other Servants of the European Union (Articles 11 and 81) and in accordance with the Commission Decision of 29 June 2018, C (2018) 4048 final on outside activities and assignments and professional activities after leaving the service (IA No 26-2018 of 02.07.2018), as well as with the
- Code of Good Administrative Behaviour and
- Guidelines on the Prevention and Management of Conflict of Interests.

We may process **special categories of personal data**, therefore Article 10 of the Regulation applies. In particular, we may collect data revealing political opinions, religious or philosophical beliefs, trade union membership, data concerning health, data concerning a natural person's sex life or sexual orientation, because:

(g) the processing is necessary for reasons of substantial public interest, on the basis of Union law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of 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:

The data collected on staff members are as follows:

Identification data:

Surname, first name, administrative status, staff number, gender, unique identification number (PerId), grade and duties, telephone number, address, assignment, job description;

Data enabling the Appointing Authority to take a decision:

Depending on each declaration:

- Request authorisation for an outside activity in active service:
Detailed description of the proposed outside activity, nature of the post, timetable, duration, financial link with the European Labour Authority, links to the duties performed at the European Labour Authority, type of leave used to cover the absence, financial arrangements;
- Request authorisation for an outside activity during leave on personal grounds/after leaving the service:
Detailed description of the proposed outside activity, nature of the post, timetable, duration, financial link with the Commission, links to the duties performed within the European Labour Authority;
- Declaration of employment of spouse:

- A detailed description of the spouse's post, nature of the post, timetable, duration, financial link with the European Labour Authority, links with the duties carried out at the European Labour Authority;
- Declaration of conflict of interest:
Description of the nature of the conflict of interest and details of the situation indicating a potential conflict of interest;
 - Election to public offices:
Nature of duties, duration, hours, remuneration, compatibility with duties at the European Labour Authority;
 - Statement of publication:
Title, subject, publisher, date of publication, content of the article intended to be published;
 - Gifts and hospitality:
Description and origin of the gift, estimate of its value, justification; nature and amount of hospitality, context, possible direct or indirect link with the duties of the staff member;

Opinions and approvals at the various hierarchical levels, decision of the Appointing Authority.

In application of the principle of data minimisation, ELA HR Team limits the collection of personal data to what is directly relevant and necessary for the purpose of the processing.

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 maintain the highest standards of administration, professional ethics, integrity and independence.

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 10 years following the termination of employment or the last pension payment (ELA filing plan and specific retention list, ELA.6.5 Performance and career development > ELA.6.5.1 Personnel files) as the personal data contained to each specific declaration will be included under the personal file of the staff (File for each staff member, opened when they take up their duties and kept open until their service 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.

Since SYSPER 2 is a tool managed by the European Commission, authorised staff from DG HR and/or DG DIGIT may have access to the files, as they provide technical support related to the implementation and operation of SYSPER 2 modules.

Authorised staff of the following EU institutions may have access to relevant personal data for audit control or investigation purposes: Court of Auditors, Internal Audit Service of the European Commission, European Anti-Fraud Office (OLAF). For the purpose of handling review procedures and litigation, access to the personal data may be granted also to the European Ombudsman, the European Data Protection Supervisor, the General Court and the European Court of Justice upon request and to the extent necessary for handling the review procedure and litigation

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:

hr@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: <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-2022-0033: ELA declarations related to professional ethics.