

PROTECTION OF YOUR PERSONAL DATA

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

Processing operation: ELA Staff Committee activities

Data Controller: ELA Staff Committee

Record reference: DPR-ELA-2022- 0046

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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 Staff Committee activities*" undertaken by the ELA Staff Committee is presented below.

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

Purpose of the processing operation: The ELA Staff Committee collects and uses your personal information to perform their tasks.

In accordance with the Staff Regulations and the Decision No 20/2021 of 10 November 2021 of the Management Board, the European Labour Authority (ELA) has set up a Staff Committee (ELA Staff Committee) to represent, promote and defend the interests of the staff vis-à-vis the ELA and facilitate the communication with the Management of the Authority.

In order to perform their functions, the ELA Staff Committee receives and processes personal information concerning members of the staff directly from the data subject, other staff members or by ELA HR Sector.

On the basis of this information, the ELA Staff Committee decides on issues to be flagged to the Executive Director and prepares the draft agenda for the meeting with the Director and/or Head of Units concerned.

For information purposes, the ELA Staff Committee receives on a regular basis an update on staff movements. This information is limited to name/surname, contract type, function group, grade, start and end of contracts, gender, nationality and the Unit/Sector.

ELA Staff Committee may use personal data for the following purposes:

- a) Conduct activities for understanding, acknowledging and ultimately for the representation, promotion and defence of the interests of the staff vis-à-vis the ELA;
- b) Maintain continuous contact between ELA and its staff and contribute to the smooth running of the Authority by providing a channel for the expression of opinion by the staff;
- c) Participate in any activity that has general implications concerning the interpretation and application of the Staff Regulations and the CEOS, and be consulted on any difficulty of this kind (such as recruitment, reclassification and promotion of staff among others).

In carrying out this function, the ELA Staff Committee member involved and the Staff Committee itself may receive and process personal information concerning the evaluation of the member of the staff involved or other staff members referred to in the specific request/complaint.

For some specific duties, when heavy workload justifies it, ELA Staff Committee may request support from volunteers among ELA Staff to assist them in their duties.

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;

(d) you have given consent to the processing of your personal data for one or more specific purposes (in case of call of interest);

It cannot be excluded that sensitive data/special categories of personal data may be collected and processed **in exceptional circumstances**, for example where a staff member reports on particular issues or the difficulties he or she is experiencing. If we do process this type of data, they are considered ***special categories of personal data***, therefore Article 10 of the Regulation applies.

It may refer to 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 or data concerning a natural person's sex life or sexual orientation.

In this exceptional cases, we process special categories of personal data indicated in Section 4, 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;

(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;

(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;

(i) the 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 healthcare and of medicinal products or medical devices, on the basis of Union law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy; or

(j) the processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes based on 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 Staff Committee collects the following categories of personal data:

Name/Surname, nationality, gender, function, contractual information (contract type, function group, grade, start and end of contracts), contact details;

E-mails sent to or from the ELA Staff Committee or between ELA Staff Committee Members may contain personal data of the staff concerned, such as for example the views of the staff members on particular issues or the difficulties he or she is experiencing;

Internal reports or documents may contain in some cases the above data as well;

In case of complaints, information concerning the professional activities of the staff members, directly or indirectly concerned (e.g., tasks performed, evaluation by hierarchy, comparative assessment, etc.);

In case of participation of a ELA Staff Committee Member or ELA Staff Committee representative in the recruitment process, this activity will follow the process described in the Record "*DPR-ELA-2022-0010 Selection and recruitment of staff, interimaire, Seconded National Experts(SNEs) National Liaison Officers (NLOs), and trainees*", and ELA Staff Committee Member or alternate will have access to the data categories described under the Pre-selection and Selection procedure, such as Name, surname, address, email address, phone number, gender, nationality, date of birth, as well as data regarding professional experience and working periods including in other Institutions/Agencies, education, language and skills as well as statutory link, function group and grade in case of candidates applying for inter-agency and inter-institutional procedures. This information is completed by a CV and a motivation letter. Further personal data processed during the selection phase will be the results of the candidate's performance during the written and oral tests, interviews and written tests.

In case of high workload, ELA Staff Committee may request support from ELA Staff through Call for interest, in this case, ELA Staff Committee will have access to the following personal data from the volunteers/candidates:

Personal information: Name and surname, gender, nationality, languages.

Professional information: start date and type of contract, position, area of work, Unit and Sector, current function group and grade, experience and commitment related to the specific activity where the support is needed, confidentiality and conflict of interest forms.

It cannot be excluded that sensitive data/special categories of personal data may be collected and processed in exceptional circumstances, for example where a staff member reports on particular issues or the difficulties he or she is experiencing.

The provision of personal data is mandatory to meet a statutory requirement: Staff Regulations. If you do not provide your personal data, we will not be able to perform our duties.

In some cases, we do not obtain your personal data directly from you but from HR Sector, restricted to what is needed to perform our tasks.

5. How long do we keep your personal data?

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

- **All data categories related to a specific case:** will be processed during the limited period in which the case is open and anonymised as soon as the case is closed, with the exemption where the information will be needed in a later stage or for a follow-up of the case.
- **Aggregated statistics:** will be kept for the maximum period of the duration of the appointed Staff Committee plus one year
- **Personal data related to the update list of staff:** monthly, ELA Staff Committee will receive an update from HR colleagues and this update will be kept for the maximum period of the duration of the appointed Staff Committee plus one year.
The current list of staff will be continuously updated with the information received from HR Sector, in order to assure business continuity.
- **Personal data related to call for interest:** will be kept for the time defined in the specific call.

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. 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.

Data can be accessed only by Staff Committee members and in some specific cases (such as long term absences) alternates. The ELA Staff Committee will not transfer your personal data to any other European Institution, third country or international organisation.

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:

elastaffcommittee@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- 0046 ELA Staff Committee activities.