



**European Labour Authority**

DATA PROTECTION OFFICER

**RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA**

DPR-ELA-2022-0030 Staff promotion and reclassification procedure

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

<b>Record reference</b>	DPR-ELA-2022-0030
<b>Title of the processing operation</b>	Staff promotion and reclassification procedure
<b>Controller entity</b>	European Labour Authority, Resources Unit, HR Sector(ELA HR Sector)
<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 Microsoft Ireland South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, Ireland  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.
<b>Data Protection Officer Name and contact details</b>	Laura NUNEZ BAREZ European Labour Authority 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

<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**

According to the Decision No 09/2021 of 25 May 2021 laying down general implementing provisions regarding Article 54 of the Conditions of Employment of Other Servants of the European Union and Decision No 10/2021 of 25 May 2021 on general implementing provisions regarding Article 87(3) of the Conditions of Employment of Other Servants of the European Union (Reclassification of Contract Agents), the Management Board of the European Labour Authority (ELA) has adopted a reclassification system applicable to the ELA temporary staff and contract agents based on consideration of the comparative merits of the temporary staff eligible for reclassification, taking account of the reports on them, the use of languages in the execution of their duties other than the language for which they have produced evidence of thorough knowledge and the level of responsibilities exercised by them.

In this particular process of personal data, the purpose is conducting the annual reclassification exercise of temporary and contract agents and the complaints against non-inclusion list.

**1.2.2 Processing for further purposes**

- Archiving in the public interest
- Scientific or historical research purposes
- Statistical purposes

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

**Description**

Specific procedure foreseen in the Management Board Decision No 09/2021 and Decision No 10/2021.

**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
4.  Others, specify

**Description:**

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.

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

The reclassification exercise shall be launched only once the appraisal exercise organised in the same year has been finalised. The end of the appraisal exercise shall be announced by the Human Resources Sector by means of the publication of a notification.

The Executive Director (ED) and the Heads of Unit (HoU) or equivalent shall proceed with the examination of the staff members eligible for reclassification. The ED (or alternatively the HoU responsible for human resources), after a discussion with the Staff Committee, will draft up a list of staff members proposed for a reclassification.

This list will be made public to all ELA Staff and will be forwarded to the Joint Reclassification Committee.

Once all the information has been received, the Authority authorized to conclude contracts of employment (the Executive Director) shall carry out a final comparison of the merits of the eligible staff members and, shall adopt the list of staff members reclassified.

The list of staff members reclassified will be published by means of a Decision of the ED.

**1.3 DATA SUBJECTS AND DATA CATEGORIES**

**1.3.1 Data subjects' categories**

1. Internal to organisation	<input checked="" type="checkbox"/> Yes ELA Temporary Agents ELA Contract Agents Joint Reclassification Committee
2. External to organisation	<input checked="" type="checkbox"/> N/A

**1.3.2 Data categories/fields**

**ELA Temporary Agents and Contract Agents**

- Name and last name;
- Personal number
- Grade and step; contract duration, job title, career stream, function group, grade, seniority date in grade, statutory link, job assignments (current and past), working conditions including teleworking if applied, the number of days of leave on personal ground/unpaid leave taken during the promotion exercise reference period;
- Comparative merits of the staff eligible for reclassification, appraisal reports, the use of languages and the level of responsibilities exercised;
- Average career equivalence, multiplication rates and budgetary impact;

**Joint reclassification Committee**

- Name, Surname, job title, function, grade, Unit
- Deliberations, documents, vote
- Conflict of interest signed
- Complaints received by the Joint Reclassification Committee

**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,

<input type="checkbox"/> religious or philosophical beliefs, <input type="checkbox"/> trade union membership, Or/and, <input type="checkbox"/> Genetic data, biometric data for the purpose of uniquely identifying a natural person, <input type="checkbox"/> Data concerning health, <input type="checkbox"/> Data concerning a natural person's sex life or sexual orientation.
<input checked="" type="checkbox"/> N/A

**1.3.2.2 Data related to 'criminal convictions and offences'**

<b>The data being processed contain sensitive data which fall(s) under Article 11 'criminal convictions and offences'</b>	N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Description: N/A	

**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
All data categories related to the eligible staff	Individual decisions on reclassification are kept in data subjects' personnel files. In line with ELA's File retention plan, all documents included in the personnel files are kept for 10 years following the termination of employment or the last pension payment
List of staff members reclassified	It will be kept for historical and archival purposes.

**Description**

Following ELA filing plan and specific retention list: ELA.6.5.1 Personnel files File for each staff member, opened when they take up their duties and kept open until their service is finished, personal data will be eliminated after 10 years of the termination of employment or the last pension payment. The deliberation and documents of the Joint Reclassification Committee shall be confidential.

**1.5 RECIPIENTS**

Origin of the recipients of the data	
1. <input checked="" type="checkbox"/> Within the EU organization	Executive Director, incl. Head of Units; Joint Reclassification Committee; Human Resources Sector; PMO (for salary modifications)
2. <input checked="" type="checkbox"/> Outside the EU organization	In case of an appeal, the data may be transferred to the ELA Legal officer, DG HR Complaints Unit  for legal support, the European Ombudsman, the Court of Justice of the European Union and external authorised persons involved in the litigation procedure.

<b>Categories of the data recipients</b>	
1. <input 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	<p>Specify who has access to which parts of the data:            Executive Director, incl. Head of Units;            - Joint Reclassification Committee;            - Human Resources Sector;            - PMO (for salary modifications);            - In case of an appeal, the data may be transferred to the ELA Legal officer, DG HR Complaints Unit for legal support, the European Ombudsman, the Court of Justice of the European Union and external authorised persons involved in the litigation procedure.</p> <p>The data are not used for any other purposes nor disclosed to any other recipient.</p>

**Description**

The Joint Reclassification Committee shall be chaired by the Head of Resources. It shall consist of one Head of Unit and one member designated by the Staff Committee.

The Executive Director and Joint Reclassification Committee will have access to all data categories. Specific staff from ELA HR Sector will have access to all data categories according to the 'need to know basis'.

Publication of lists in Insite accessible to statutory staff:

- lists of staff eligible for promotion/reclassification;
- lists of staff proposed for promotion/reclassification;
- lists of staff promoted/reclassified.

These lists could include: the name, surname, career stream/classification of the post occupied, function group, grade and statutory link

**1.6 INTERNATIONAL DATA TRANSFERS**

<b>Transfer to third countries or international organisations of personal data</b>	
<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,	
<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	

**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>	

*Article 19 – Right to erasure (right to be forgotten)*

*Article 20 – Right to restriction of processing*

*Article 21 – Notification obligation regarding rectification or erasure of personal data or restriction of processing*

*Article 22 – Right to data portability*

*Article 23 – Right to object*

*Article 24 – Rights related to Automated individual decision-making, including profiling*

### 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: <https://www.ela.europa.eu/en/privacy-policy> )

Other form of publication, specify

This privacy statement will be attached to the launch of each reclassification exercise.

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:

Individual decisions on reclassification are kept in data subjects' personnel files. In line with ELA's File retention plan, all documents included in the personnel files are kept for 10 years following the termination of employment or the last pension payment.

## 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.

In particular for this process:

Throughout this procedure only authorised people are attributed access rights and only on a "need-to-know" basis. Any possible security measure is taken to prevent any improper use of or unauthorized access to the electronic file. Procedure-related documents are kept in a secure environment