



European Labour Authority

DATA PROTECTION OFFICER

RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA

DPR-ELA-2022-004: Monitoring, investigative, auditing and consultative activities of ELA Data Protection Officer

1 PART 1: PUBLIC - RECORD (ARTICLE 31¹)**1.1 GENERAL INFORMATION**

| | |
|---|---|
| Record reference | DPR-ELA-2022-004 |
| Title of the processing operation | Monitoring, investigative, auditing and consultative activities of ELA Data Protection Officer |
| Controller entity | European Labour Authority, Data Protection Officer (ELA DPO) |
| Joint controllers | <input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES, fill in details below |
| Processor(s) | <input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES, fill in details below |
| External organisation(s)/entity(ies) Names and contact details | <input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES Microsoft Ireland South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, Ireland. |
| Data Protection Officer Name and contact details | Laura NUNEZ BAREZ Landererova 12, 811 09 Bratislava I Slovakia Email: data-protection@ela.europa.eu |
| Corporate Record | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Language of the record | English |

¹ 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 Article 45 of Regulation (EU) 2018/1725, the Data Protection Officer collects and further processes personal data where strictly necessary for the following monitoring, investigative, auditing and consultative activities:

- a)** to inform and advise the controller or the processor and the employees who carry out processing of their obligations pursuant to this Regulation and to other Union data protection provisions;
- (b)** to ensure in an independent manner the internal application of this Regulation; to monitor compliance with this Regulation, with other applicable Union law containing data protection provisions and with the policies of the controller or processor in relation to the protection of personal data, including the assignment of responsibilities, the raising of awareness and training of staff involved in processing operations, and the related audits;
- (c)** to ensure that data subjects are informed of their rights and obligations pursuant to this Regulation;
- (d)** to provide advice where requested as regards the necessity for a notification or a communication of a personal data breach pursuant to Articles 34 and 35;
- (e)** to provide advice where requested as regards the data protection impact assessment and monitor its performance pursuant to Article 39 and to consult the European Data Protection Supervisor (EDPS) in case of doubt as to the need for a data protection impact assessment;
- (f)** to provide advice where requested as regards the need for prior consultation of the European Data Protection Supervisor pursuant to Article 40; to consult the European Data Protection Supervisor in case of doubt as to the need for a prior consultation;
- (g)** to respond to requests from the European Data Protection Supervisor; within the sphere of his or her competence, to cooperate and consult with the European Data Protection Supervisor at the latter's request or on his or her own initiative;
- (h)** to ensure that the rights and freedoms of data subjects are not adversely affected by processing operations.

1.2.2 Processing for further purposes

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

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

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.

1.2.4 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:

All files are stored electronically in the protected files of the Data Protection Office (on computer and network drives). Some of those documents are also registered and stored in ELA repository (access to those documents is restricted on a need-to-know-basis).

Documents, which the Data Protection Officer receives in paper format, are stored in locked cupboards of the Data Protection Office.

1.3 DATA SUBJECTS AND DATA CATEGORIES**1.3.1 Data subjects' categories**

| | |
|-----------------------------|--|
| 1. Internal to organisation | <input checked="" type="checkbox"/> Yes The Data Protection Officer collects and further processes the personal data of Commission staff, who: <ul style="list-style-type: none"> - exercise their rights under Regulation (EU) 2018/1725 as data subjects, -bring to the attention of the Data Protection Officer any matter alleging that a breach of Regulation (EU) 2018/1725 has taken place; -request that the Data Protection Officer monitor, investigate or audit a specific processing operation of the Commission;-consult the Data Protection Officer on any matter concerning the interpretation of Regulation (EU) 2018/1725; -complain to the European Data Protection Supervisor pursuant to Articles 63 and 68 of Regulation (EU) 2018/1725 and whose complaints and personal data are transmitted to the Data Protection Officer; -are concerned by a specific monitoring, investigative, auditing or consultative activity of the Data Protection Officer. |
| 2. External to organisation | <input checked="" type="checkbox"/> Yes 1. Applicants, who exercise their rights under Regulation (EU) 2018/1725 as data subjects, 2. Natural persons, who: <ul style="list-style-type: none"> -bring to the attention of the Data Protection Officer any matter alleging that a breach of Regulation (EU) 2018/1725 has taken place; -request that the Data Protection Officer monitor, investigate or audit a specific processing operation of the Commission; -consult the Data Protection Officer on any matter concerning the interpretation of Regulation (EU) 2018/1725; -complain to the European Data Protection Supervisor pursuant to Articles 63 and 68 of Regulation (EU) 2018/1725 and whose complaints and personal data are transmitted to the Data Protection Officer; -3. Staff of European Labour Authority's contractors (processors), who are concerned by a specific monitoring, investigative, auditing or consultative activity of the Data Protection Officer. |

1.3.2 Data categories/fields

Any personal data of any individuals, whose personal data are processed by the Commission or its processors, might potentially be the subject of monitoring, investigative, auditing or consultative activities of the Data Protection Officer.

The Data Protection Officer collects and further processes the following categories of personal data:

- Name and function;
- Contact details (e-mail address, telephone number, postal address, company and department, country of residence, etc.);
- A copy of an identity document of applicants (where relevant);
- Case involvement data;
- Any other types of personal data specific to the processing operation that the Data Protection Officer monitors, investigates, audits or is being consulted upon.

The Data Protection Officer obtains personal data:

- directly from the data subjects where they exercise their rights under Regulation (EU) 2018/1725, consult the Data Protection Officer or request that he carry out monitoring, investigations or audits;
- from other natural and legal persons where they consult the Data Protection Officer or request that he carry out monitoring, investigations or audits;
- from the European Data Protection Supervisor in relation to the complaints transmitted or inspections launched by the European Data Protection Supervisor.

The Data Protection Officer does not collect special categories of personal data under Articles 10 and 11 of Regulation (EU) 2018/1725. However, any personal data, processed by ELA or its processors (including sensitive categories of personal data), might potentially be communicated to the Data Protection Officer for the purpose of his monitoring, investigative, auditing or consultative activities.

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.

N/A

Description:

Any personal data, processed by ELA or its processors (including special categories of personal data), might potentially be the subject of monitoring, investigative, auditing or consultative activities of the DPO.

1.3.2.2 Data related to 'criminal convictions and offences'

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| 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"/> |
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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 categories related to monitoring the consultations on personal data protection | 10 years | | |
| Data related to rights of data subjects | 5 years | | |
| Data related to EDPS consultations | 5 years | | |

Description

Personal data related to general consultations on personal data protection will be anonymized after **10 years** of its creation. This period is needed in order to better follow up the evolution of the consultations in the organization and to be able to provide harmonized application of the Regulation (EU) 2018/1725. The files related to rights of data subjects may be kept for **5 years** after the closure of the procedure in order to be able to set up a comparison of previous decisions and to allow a harmonised application of the Regulation on personal data protection.

Personal data related to consultations to EDPS will be kept for **5 years** after the last communication with the EDPS.

1.5 RECIPIENTS

| Origin of the recipients of the data | |
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| 1. <input checked="" type="checkbox"/> Within the EU organization | The Data Protection Officer, who are responsible for carrying out this processing operation, have access to personal data. Access is, on a case-by-case basis, provided also to other European Labour authority authorised staff. All European Labour Authority staff abide by statutory and, when required, additional confidentiality obligations in accordance with the "need to know" principle. |
| 2. <input checked="" type="checkbox"/> Outside the EU organization | Pursuant to Article 3(13) of Regulation (EU) 2018/1725, public authorities (e.g. the European Data Protection Supervisor, 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 further 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. |

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| Categories of the data recipients |
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1. A natural or legal person
2. Public authority
3. Agency
4. Any other third party, specify

Specify who has access to which parts of the data:

The Data Protection Office, who is responsible for carrying out this processing operation, have access to all personal data collected and further processed under this processing operation. Other European Labour Authority authorised staff have access to limited sets of personal data in accordance with the "need to know" principle.

1.6 INTERNATIONAL DATA TRANSFERS

| Transfer to third countries or international organisations of personal data |
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| <p>1. Transfer outside of the EU or EEA</p> <p><input type="checkbox"/> N/A, transfers do not occur and are not planned to occur</p> <p><input checked="" type="checkbox"/> YES,</p> |
| <p>2. Transfer to international organisation(s)</p> <p><input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur</p> <p><input type="checkbox"/> Yes, specify further details about the transfer below</p> |
| <p>3. Legal base for the data transfer</p> <p><input type="checkbox"/> Transfer on the basis of the European Commission's adequacy decision (<i>Article 47</i>)</p> <p><input type="checkbox"/> Transfer subject to appropriate safeguards (<i>Article 48.2 and .3</i>), specify:</p> <p>2. (a) <input type="checkbox"/> A legally binding and enforceable instrument between public authorities or bodies.</p> <p>Standard data protection clauses, adopted by</p> <p>(b) <input type="checkbox"/> the Commission, or</p> <p>(c) <input type="checkbox"/> the European Data Protection Supervisor and approved by the Commission, pursuant to the examination procedure referred to in Article 96(2) .</p> <p>(d) <input type="checkbox"/> Binding corporate rules, <input type="checkbox"/> Codes of conduct , <input type="checkbox"/> Certification mechanism pursuant to points (b), (e) and (f) of Article 46(2) of Regulation (EU) 2016/679, where the processor is not a Union institution or body.</p> <p>3. Subject to the authorisation from the European Data Protection Supervisor:</p> <p><input type="checkbox"/> Contractual clauses between the controller or processor and the controller, processor or the recipient of the personal data in the third country or international organisation.</p> <p><input type="checkbox"/> Administrative arrangements between public authorities or bodies which include enforceable and effective data subject rights.</p> <p><input type="checkbox"/> Transfer based on an international agreement (<i>Article 49</i>), specify</p> |
| <p>4. Derogations for specific situations (<i>Article 50.1 (a) –(g)</i>)</p> <p><input checked="" type="checkbox"/> N /A</p> <p><input type="checkbox"/> Yes, derogation(s) for specific situations in accordance with article 50.1 (a) –(g) apply (ies).</p> <p>In the absence of an adequacy decision , or of appropriate safeguards, transfer of personal data to a third country or an international organisation is based on the following condition(s):</p> |

- (a) The data subject has explicitly consented to the proposed transfer, after having been informed of the possible risks of such transfers for the data subject due to the absence of an adequacy decision and appropriate safeguards
- (b) The transfer is necessary for the performance of a contract between the data subject and the controller or the implementation of pre-contractual measures taken at the data subject's request
- (c) The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the controller and another natural or legal person
- (d) The transfer is necessary for important reasons of public interest
- (e) The transfer is necessary for the establishment, exercise or defense of legal claims
- (f) The transfer is necessary in order to protect the vital interests of the data subject or of other persons, where the data subject is physically or legally incapable of giving consent
- (g) The transfer is made from a register which, according to Union law, is intended to provide information to the public and which is open to consultation either by the public in general or by any person who can demonstrate a legitimate interest, but only to the extent that the conditions laid down in Union law for consultation are fulfilled in the particular case

1.7 INFORMATION TO DATA SUBJECTS ON THEIR RIGHTS

| Rights of the data subjects |
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| <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: ELA Personal data protection Sharepoint)
- External website (URL: <https://www.ela.europa.eu/en>)

- Other form of publication, specify

- 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.

Available at <https://www.ela.europa.eu/en/privacy-policy>.

1.8 SECURITY MEASURES

Short summary of overall Technical and Organizational Measures implemented to ensure Information Security:

Description:

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored on the servers of the European Labour Authority or 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 the EU Member States ('GDPR' Regulation (EU) 2016/679).

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.