

## PROTECTION OF YOUR PERSONAL DATA

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

**Processing operation:** National Liaison Officers (NLOs) activities on cooperation and exchange of information with Member States

**Data Controller:** European Labour Authority, Cooperation Support Unit, Cooperation and NLOs Office (ELA Cooperation and NLOs Office Team)

**Record reference:** DPR-ELA-2022-0015

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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 "National Liaison Officers (NLOs) activities on cooperation and exchange of information with Member States" undertaken by European Labour Authority, Cooperation Support Unit, Cooperation and NLOs Office (ELA Cooperation and NLOs Office Team) is presented below.

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

Purpose of the processing operation: ELA Cooperation and NLOs Office Team collects and uses your personal information to cover the activities performed by the European Labour Authority (ELA) National Liaison Officers (NLOs), in order to facilitate the cooperation and acceleration of exchange of information between Member States and support their effective compliance with cooperation obligations, including on information exchange.

This record covers the following activities:

- identification of the relevant national contact points
- follow up to requests for exchange of information and administrative data between national authorities (NLOs requests)
- provide information and follow up to requests for accelerating information exchange on individual cases concerning the application of Union law on cross-border mobility, including tackling cross-border fraud
- provide information to support Member States in the effective application of the Union Law, on cross border mobility and combatting cross border fraud

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)(a) of Regulation(EU) 2018/1725, the 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.

### **Legal basis**

Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority:

- **Article 7 Cooperation and exchange of information between Member States:** "1. *The Authority shall facilitate the cooperation and acceleration of exchange of information between*

*Member States and support their effective compliance with cooperation obligations, including on information exchange, as defined in Union law within the scope of this Regulation.”*

- **Article 32.2 National Liaison Officers:** *“National Liaison Officers shall contribute to executing the tasks of the Authority, including by facilitating the cooperation and exchange of information set out in Article 7 and the support and coordination of inspections set out in Article 8. They shall also act as national contact points for questions from their Member States and relating to their Member States, either by answering those questions directly or by liaising with their national administrations.”*
- **Article 32.3:** *“National Liaison Officers shall be entitled to request and receive all relevant information from their Member States, as provided for by this Regulation, while fully respecting the national law or practice of their Member States, in particular as regards data protection and the rules on confidentiality.”*

### **Additional legal basis**

Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC (IMI Regulation).

We process **special categories of personal data**, therefore, Article 10 of the Regulation applies. In particular, we collect: trade union membership and/or health data.

We process special categories of personal data, because, according to Article 10(2) of Regulation (EU) 2018/1725:

(a) you have 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;

(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.

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

In order to carry out this processing operation ELA Cooperation and NLOs Office Team collects the following categories of personal data:

##### Identification the relevant contact points

Name, surname, organization, Member State, email, telephone and job position.

##### Follow up request for cooperation and accelerating information exchanges between national authorities (NLO requests)

Date case received, requesting Member State, requested Member State, national institutions, type of request (e.g. exchange of information, follow up, cases status, contact point), subject of request (abstract of the case), area of cooperation, case status (e.g. case closed positive (data and result), in progress, etc.), date case closed, result, response time.

In some specific cases, individual cases referred by national authorities to ELA/NLOs may contain personal data which can also be of a sensitive nature. This is necessary for ELA's NLOs to follow up the particular case with the NLO of another Member State with a view to sort out the cooperation dispute or to speed up the exchange of information on the individual's particular case. In these cases, a reference to the IMI reference number, trade union membership data, social security affiliation/number, private companies TVA number, registration and/or fiscal data could be exchanged.

*This should be considered pseudonymized data, as neither ELA nor the NLOs has access to this system.*

Provide information to support Member States in the effective application of the Union Law

Name, surname, organization, Member State represented, email, telephone, job position, request/enquiry.

The provision of personal data is mandatory to meet a statutory requirement indicated in the Regulation (EU) 2019/1149. If you do not provide your personal data, we will not be able to perform our tasks.

We have obtained your personal data from national authority's systems. References to pseudonymised data are obtained from:

- the Internal Market Information System (IMI), owned by the European Commission, the DG Internal Market, Industry, Entrepreneurship and SMEs (DG GROW), covered by Record "DPR-EC-00373 Internal Market Information System".
- the Electronic Exchange System on social security (EESSI) system, owned by ELA and covered by record "DPR-ELA-2022- 0016 Electronic Exchange System on social security (EESSI)".

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

ELA Cooperation and NLOs Office Team only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for:

- Contact points' personal data will be kept as long as the as person collaborates with ELA in his/her position based on the relevant appointment or contract.
- Data related to requests on cooperation/exchange of information will be kept for **5 years** after the case is closed.
- Data related to information regarding EU Law will be deleted 1 year later the case was closed. After this year, personal data will be anonymised and data will be kept for statistical/historical purposes.

**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.

Personal data related to specific cases will be only available to the concerned NLOs. Aggregated data may be discussed among ELA Cooperation and NLOs Office Team in order to share and improve good practices, but without reference to any personal data.

In some specific cases, individual cases referred by national authorities to ELA/NLOs may contain personal data which can also be of a sensitive nature. This is necessary for ELA’s NLOs to follow up the particular case with the NLO of another Member State with a view to sort out the cooperation dispute or to speed up the exchange of information on the individual’s particular case. In these cases, a reference to the IMI reference case, could be exchanged.

This should be considered pseudonymized data, as neither ELA nor the NLOs has access to this system.

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:

[cooperation-nlos@ela.europa.eu](mailto:cooperation-nlos@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-2022-0015 National Liaison Officers (NLOs) activities on cooperation and exchange of information with Member States.