

PROTECTION OF YOUR PERSONAL DATA

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

Processing operation: Processing of personal data at ELA concerted and joint inspections

Data Controller: European Labour Authority, Enforcement and Analysis Unit, Inspection Team

Record reference: DPR-ELA-2022-0029

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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 'Processing personal data at ELA concerted and joint inspections' undertaken by European Labour Authority, Enforcement and Analysis Unit, Inspections Team (ELA Inspections Team) is presented below.

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

Purpose of the processing operation: The ELA Inspections Team collects and uses your personal information to coordinate and support concerted or joint inspections in the area of labour mobility across the Union and social security coordination.

This process aims to cover the personal data collected during the organization and performance of the concerted and joint inspections (CJI) coordinated by ELA.

The European Labour Authority (ELA) has been established to assist the Member States and the European Commission:

- in strengthening the access to information,
- support compliance and cooperation between the Member States in
 - the consistent, efficient and effective application and enforcement of the Union law related to labour mobility across the Union, and
 - the coordination of social security systems within the Union,
- mediate and facilitate solutions in the case of disputes.

The organization, carrying out, reporting and follow-up of inspections requires that personal data concerning the persons participating in an inspection and other persons who did not participate in an inspection but are referred to in relevant documents, including their names, job titles, responsibilities and work carried out by them, is recorded in various documents including the agreement for a CJI, the inspection plan, documents or other evidence obtained before, during and after an inspection, and in the report compiled afterwards and submitted by ELA to involved Member States.

The CJI process also includes any follow-up activities (such as reports or studies, additional enforcement activities) depending on the findings of inspections. Some of these activities may also include the processing of personal data.

Concerted and joint inspections are carried out in accordance with the legal framework and practice of the Member States in which the inspections take place. Any follow-up to such inspections shall be carried out in accordance with the legal framework and practice of the Member States concerned.

When presenting a case for a concerted and/or joint inspection, and specifically when submitting any document, Member States authorities shall ensure that all personal data related to that case are removed or anonymised in such a manner that the data subject is not or no longer identifiable.

The Authority does not process any personal data of individuals concerned by the case at any point in the course of its inspections. If for any reason, any personal data is transmitted to the Authority, it will be deleted as soon as it is detected. In this case, the Authority will inform the authority that submitted personal data about the irregular transmission and request an anonymised/redacted version of the relevant documents

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, and in particular, Article 4 Tasks of the Authority states “coordinate and support concerted and joint inspections, in accordance with Articles 8 and 9”, referred as ‘ELA Regulation’.

- Article 8: Coordination and support of concerted and joint inspections
- Article 9: Arrangements for concerted and joint inspections.

Concerted and joint inspections shall be carried out in accordance with the law or practice of the Member States in which the inspections take place. Any follow-up to such inspections shall be carried out in accordance with the law or practice of the Member States concerned.

Within the CJIs, we may process **special categories of personal data**, therefore Article 10 of the Regulation applies. In particular:

Trade union membership:

Representatives of social partner organizations at national level (employer associations and trade unions). As part of the mandate and activities of ELA, Social partner organisations at national level can bring to the attention of the Authority specific cases subject to a CJi.

We process special categories of personal data indicated in Section 4, because, depending on the specific case:

- (a) you have given explicit consent to the processing of your personal data for one or more specified purposes,
- (b) the processing may be 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 you.

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

In order to carry out this processing operation the ELA Inspections Team collects the following categories of personal data:

Personal data on the written agreement on cross-border concerted and joint inspections (administrative data):

Name, role/position, organization, phone number, email, information related to the specific inspection (format (concerted general inspection, concerted targeted inspection, joint general inspection, joint targeted inspection), time-frame, scope (short and long terms targets), inspection plan, time address of specific meetings, signatures.

Personal data related to the inspectors (acting inspectors from host MS and observing visiting officials from other Member States and general coordinator of the inspection¹)

Name, role/function, organization, phone number, e-mail, composition of the team, general coordinator of the inspection, languages spoken, credentials and passport/identity card, signature and country.

Hand written notes of visual observations during the inspection, pictures/video and report.

When the **CJI is initiated by request of one or more Member States**, they should provide the relevant background on the case that includes a general description of the initial complaint and/or relevant information gathered and the Member States where the infringement occurred, companies or employers concerned and previous measures to address the case, motivation of the request, identification of the relevant national or European legislation, (**Case description**) this information is exchanged with the ELA.

The Member State will also inform ELA of the sector/entity to be inspected, other stakeholders and number of participating persons, number of companies and mobile workers concerned by the inspection.

When the **CJI is brought to the attention of ELA by relevant social partners²**, they should provide case-relevant data, specifying the previous attempts to address with the relevant national authorities.

Personal data of interpreters as well as assimilated support staff (interpreters, cultural mediators):

Name, surname, languages spoken (interpretation working languages), nationality, ID cards/passports, company name (if applicable), telephone, email, flight and travel details and accommodation details for reimbursement and signature.

Reimbursement will be dealt following the process described in the Record “DPR-ELA- 2022-0003 *Managing award procedures for procurement and the execution of contracts*”.

Personal data of ELA Staff (case handlers, other ELA Staff and ELA National Liaison Officers (ELA NLO)

Name, Surname, Unit, position (CA, SNE, SNE-NLO) languages spoken and contributions to reports from MS and final post inspection report and signature.

Personal data of observers/other stakeholders (such as the representatives of social partner organisations at national level, other European Institutions, bodies and agencies or relevant European networks related to the activities to ELA such as SLIC Senior Labour Inspectors Committee or AQUAPOL or ROADPOL):

¹ The general coordinator of a CJI will be in charge of organizational and procedural matters, including drafting reports. The appointed person should be, in principle, one of the National Coordinators or ELA responsible officer.

² Social Partner organisations at national level (employer associations and trade unions).

Name, Surname, Role, Organisation represented, country, languages spoken, signature and any other personal data needed to organize meetings or events.

The provision of personal data is mandatory to meet a legal requirement: ELA Regulation. If you do not provide your personal data, we will not be able to fulfil our obligations.

5. How long do we keep your personal data?

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

- Identification data of inspectors: Maximum **5 years**;
- Personal data related to the interpreters, cultural mediators and other possible stakeholder: **2 years** after the final report issue by the Authority. Once the follow up report is drafted the personal data contained in the final report will be anonymised.
- Personal data of the signatories of the Agreements on CJIs (including inspection plan): Personal data related to the written agreement will be kept for historical and archival 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.

The transfer of personal data will be managed directly by the actors involved (Member States authorities/social partner organisations) and ELA will not further transfer any additional personal information.

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.

Regarding the cases brought by social partner organisations, also the social partner organization will receive general information, but only pseudonymized data.

The transfer of personal data will be managed directly by the actors involved (Member States authorities/social partner organisations) and ELA will not further transfer any additional personal information.

Anonymous statistics and reports are prepared for historical and archival purposes. These reports may be shared with the European Commission, European Parliament, and with the ELA Partner Agencies.³

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:

inspections@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)

³ According to ELA Regulation: The European Foundation for the Improvement of Living and Working Conditions (EUROFOUND), the European Centre for the Development of Vocational Training (CEDEFOP), the European Agency for Safety and Health at Work (EU-OSHA), and the European Training Foundation (ETF), as well as, as regards the fight against organised crime and trafficking in human beings, with the European Union Agency for Law Enforcement Cooperation (EUROPOL) and European Union Agency for Criminal Justice Cooperation (EUROJUST).

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-2022-0029 Processing personal data at ELA concerted and joint inspections.