



European Labour Authority

DATA PROTECTION OFFICER

RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA

DPR-ELA-2022-0047 ELA Analytical and Risk Assessment Capacity supporting Concerted and Joint Inspections

1 PART 1: PUBLIC - RECORD (ARTICLE 31¹)

1.1 GENERAL INFORMATION

| | |
|---|---|
| Record reference | DPR-ELA-2022-0047 |
| Title of the processing operation | ELA Analytical and Risk Assessment Capacity supporting Concerted and Joint Inspections |
| Controller entity | European Labour Authority, Enforcement and Analysis Unit |
| 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 |
| Internal organisation(s)/entity(ies) Names and contact details | <input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES |
| External organisation(s)/entity(ies) Names and contact details | <input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES In order to perform its activities, the Enforcement and Analysis Unit, Analysis Sector, has access to the following databases: ORBIS Bureau van Dijk Electronic Publishing Ltd. (Legal Department) 1 Canada Square Canary Wharf London E14 5FA Dun & Bradstreet (Data Altares) Campus Equilibre - Immeuble Le Yard, 52/58 avenue Jean Jaurès, 92700 Colombes France |
| Data Protection Officer Name and contact details | Laura NUNEZ BAREZ European Labour Authority Landererova 12, 811 09 Bratislava I Slovakia Email: data-protection@ela.europa.eu |
| 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

The European Labour Authority (ELA) has developed an analytical and risk assessment capacity to provide analytical and risk assessment support to Member States to:

- assist them in fulfilling their enforcement obligations under EU law,
- enable and facilitate targeted enforcement approaches,
- enhance operational and cost-effectiveness and
- contributing to the national analytical and risk assessment capacities.

As part of its activities, the Analysis and Risk Assessment sector (Analysis sector) in the Enforcement and Analysis Unit, assesses risks and carries out labour mobility analyses in cooperation with Member States and, where appropriate, the social partners and EU services, agencies and networks active in the field of social policy and employment.

This analytical and risk assessment support shall be provided:

- at the request of a Member States(s) in the context of the concerted and joint inspections (process described in the Record “*DPR-ELA-2022-0029 ELA concerted and joint inspections*”)
- when a case is brought by a Social Partner(s) Organisation(s) at national level.

The support is delivered in the form of an **analytical report**. This report shall be compiled, inter alia, based on the information transmitted by Member State(s), gathered by the Authority or else retrieved from available business intelligence databases¹ which contain aggregated information from national commercial registers and, where necessary, other sources.

Such a report shall identify, where available, data related to **legal persons**, such as accountancy information, company’s ownership structure, relevant business links with other companies within the European Union internal market, and structural or financial links with the parent company.

Inter alia, the Analysis and Risk Assessment sector relies its research on **publicly available databases** (ORBIS and D&B). The research will be focused on the activities and data related to **legal persons**, therefore no personal data will be analysed. However, and even if queries to the databases are specific to **legal persons**, there is a low risk that personal data could appear as the result of a concrete query performed by one of the analysts. This process aims to cover this remote scenario.

Therefore, the report shall not include information on owners if they are natural persons. In such cases, the report shall include a statement that the details on owners, or ownership ties, cannot be provided due to personal data restrictions.

When presenting a case for a concerted and joint inspection and specifically when submitting a case description and any supporting documents, 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 no longer identifiable.

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

¹ The business intelligence databases used by the European Labour Authority, Enforcement and analysis unit, Analysis sector are **ORBIS** and **Dun & Bradstreet**. Details provided under external processors.

1.2.2 Processing for further purposes

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

Safeguards in place to ensure data minimisation

- Pseudonymisation
- Any other, specify

Data relates to legal entities; therefore, no personal data will be processed for the purposes of this processing operation.

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

Queries in specific databases.

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

The analysis will be performed by the assigned analyst who may contact the case handler in charge of the concrete CJJ.

3. Any other mode, specify

Description

The competent authority/relevant Social Partner Organisation (SPO) at national level indicates a demand/brings a case for analytical and risk assessment support in the case description, or a written communication, submitted to ELA. In exceptional circumstances, a request for analytical and risk assessment support can be communicated via the respective National Liaison Officer (NLO) or in writing by national competent authorities to the Enforcement and Analysis Head of Unit, Inspections or Analysis Head of Sector or the Executive Director.

The analysts shall have access to the information exchanged between Member States during the planning, execution and follow-up stages of CJJs. If operationally justified, analysts may also attend preparatory or follow-up meetings and be deployed on the spot for the actual inspection. The analysts can directly contact the case handler to request or provide information. The analyst can also contact national competent authorities involved in the CJJ, through the case handler or directly in urgent or otherwise duly justified cases, to exchange relevant case information. This information will not include personal data.

The analytical report presents information about companies in the context of a CJJ. The report may include relevant information on other companies that may be of interest to enforcement authorities, given the nature of their ownership and/or business links with the companies that are primarily the focus of a CJJ.

- Any analytical and risk assessment support for concerted and joint inspections provided by the Authority shall respect the principles, rights and obligations laid down in Regulation (EU) 2018/1725.
- Within the scope of the activities described in this record, ELA Staff shall not process personal data by any means (i.e. analysts shall not use personal data to perform queries in any database or perform queries aimed specifically at returning results containing personal data).

- Should the two previous mitigating actions not be effective, and personal data appear as a result of a query in these databases, it shall be immediately disregarded and **will not** be processed further by any means or included in the analytical report.
- No personal data related to any analytical support shall be stored in the Authority.
- Ownership information can be processed only as far as information on legal persons is concerned.

The final analytical report (and its annexes) should be registered and sent from the analyst to the case handler via ARES (with restricted access, marked as sensitive non-classified).

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

1.2.5 Comments on the processing of the data

Standard Operating Procedure for providing analytical and risk assessment support to concerted and joint inspections explains in detail the processing.

1.3 DATA SUBJECTS AND DATA CATEGORIES

1.3.1 Data subjects' categories

| | |
|-----------------------------|---|
| 1. Internal to organisation | Analysis sector staff Case handler of the Concerted and Joint inspection |
| 2. External to organisation | Participants in a Concerted and Joint Inspection Legal entities |

1.3.2 Data categories/fields

Internal to the organisation

The staff of the Analysis sector working on a specific analysis, CJI case handler: full name, role and case handled.

For security purposes and calculation of credits consumed, the European Labour Authority keeps also the search history of the analysts.

External to the organisation

The analytical report identifies, where available, inter alia, main accountancy information, company's ownership structure (as long as it involves legal persons), the extent and nature of economic activities in individual countries, physical location of the company seat and its branches, relevant business links with other companies within the European Union internal market, and structural or financial links with the parent company or with affiliates in the company network, or other companies that have links to it due the nature of their ownership and/or business.

The main focus of the analytical report and the research performed by the analytical activities are legal persons, only residually personal data may be obtained as a result of a research. The personal data will be immediately disregarded and will not be included in the analytical report.

No personal data related to any analytical support shall be stored in the Authority.

ELA Staff will not act upon personal data by any means.

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:

N/A

1.3.2.2 Data related to 'criminal convictions and offences'

| | |
|--|---|
| 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"/> |
|--|---|

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 |
|---|--|
| Personal data of ELA Staff | As soon as the support to the Member States linked to a concerted and/or joint inspection is finalized and no longer than 5 years from the initial request to support by the Member State (unless the case remains open) |
| Search history of the analysts | Maximum 6 months, unless a security investigation is triggered, in which case the Record "DPR-ELA-2022-0055 Security investigations" will apply. |
| Personal data related to a legal person obtained in a query | Will be immediately destroyed/deleted once detected. |

1.5 RECIPIENTS

| Origin of the recipients of the data | |
|---|---|
| 1. <input checked="" type="checkbox"/> Within the EU organization | Case Analysts, Analysis Head of Sector, Enforcement and Analysis Unit |
| 2. <input type="checkbox"/> Outside the EU organization | |

| Categories of the data recipients |
|---|
| 1. <input checked="" type="checkbox"/> A natural or legal person 2. <input checked="" type="checkbox"/> Public authority 3. <input checked="" type="checkbox"/> Agency 4. <input checked="" type="checkbox"/> Any other third party, specify |
| Specify who has access to which parts of the data: |

Description

In particular:

Search history of the analysts might be accessed by the Head of Sector, Head of unit if an incident is triggered or by CERT-EU staff in case of a security investigation.

Case handler or analyst assigned to a specific case, together with the Analysis HoS will have access to all data related to the legal person.

The analytical report will not contain any personal data.

1.6 INTERNATIONAL DATA TRANSFERS

| Transfer to third countries or international organisations of personal data |
|---|
| <p>1. Transfer outside of the EU or EEA</p> <p><input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur</p> <p><input 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. Derogations for specific situations (Article 50.1 (a) –(g))</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> |

1.7 INFORMATION TO DATA SUBJECTS ON THEIR RIGHTS

| Rights of the data subjects |
|---|
| <p><i>Article 17 – Right of access by the data subject</i></p> <p><i>Article 18 – Right to rectification</i></p> <p><i>Article 19 – Right to erasure (right to be forgotten)</i></p> <p><i>Article 20 – Right to restriction of processing</i></p> <p><i>Article 21 – Notification obligation regarding rectification or erasure of personal data or restriction of processing</i></p> <p><i>Article 22 – Right to data portability</i></p> <p><i>Article 23 – Right to object</i></p> <p><i>Article 24 – Rights related to Automated individual decision-making, including profiling</i></p> |

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 the 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

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:

Specific guidance on data subjects' rights is available on ELA's main website.

1.8 SECURITY MEASURES

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

Description:

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.