

## **PROTECTION OF YOUR PERSONAL DATA**

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

**Processing operation:** ELA Working Groups

**Data Controller:** The European Labour Authority

**Record reference:** DPR-ELA-2023-0004

### **Working Group on mediation**

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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 "*DPR-ELA-2023-0004 ELA Working Groups*" undertaken by the European Labour Authority is presented below.

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

Purpose of the processing operation: The European Labour Authority collects and uses your personal information to establish and ensure the appropriate management of the Working group on mediation.

Mediation is a tailor-made mechanism to resolve disputes on EU labour mobility between Member States in an effective manner. Member States will be able to refer disputed individual cases to the Authority for mediation after failing to solve them by means of direct contact and dialogue. Mediation will only concern disputes between Member States.

In 2021, the Rules of procedure for mediation, and 2 cooperation agreements with SOLVIT and the Administrative Commission were adopted.

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:**

#### **General:**

Regulation (EU) 2019/1149 20 June 2019 establishing a European Labour Authority – Article 16

#### **Specific:**

##### Working Group on Mediation

Decision No 20/2020 of 15 December 2020 of the Management Board setting up the ELA Working Group on mediation.

Decision No 17/2021 of 10 November 2021 of the Management Board on the Rules of Procedure for mediation of the European Labour Authority

We process **special categories of personal data**, therefore Article 10 of the Regulation applies. In particular, we collect:

- trade union membership,
- health data.

In particular, social partner organizations at national or EU level (employer associations and trade unions). These data is collected just to ensure the correct representation of the main stakeholders in the different Working Groups at ELA.

Explicit consent will be required to collect the following personal data: Dietary requirements and/or access requirements (i.e. mobility restrictions).

We process special categories of personal data indicated in Section 4, because:

*(a) the data subject has 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;*

*(e) the processing relates to personal data which are manifestly made public by the data subject;*

*(g) the processing is necessary for reasons of substantial public interest, on the basis of Union law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.*

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

In order to carry out this processing operation the European Labour Authority collects the following categories of personal data:

##### Selection of candidates for the ELA Working Groups:

There is no selection performed by the European Labour Authority, as the members of each specific Working Group are appointed by their respective Member States/EU Institution/organization.

##### ELA Working Group activities:

**Identification data:** Name, Surname, Category (representative of the European Commission/Member State, European Parliament/Social partner organization), Representative/Alternate, Conflict of Interest, Letter of appointment, Short biography/CV, Signature.

##### **Documents related to the ELA Working Groups:**

- decisions and meeting documents (invitations, agendas, background documents and meeting minutes), opinions/votes (check the Rules of procedure)
- Video-audio recordings of the meetings,
- Attendance list.

ELA staff may participate in some of the sessions of the ELA Working Groups in order to support the activities presented and on a need to know basis. In this case, the following data will be collected and processed: name, surname, role, unit, specific task/duty presented/performed.

Additional personal data may be received regarding a specific topic/case, but only the information that would be considered necessary to perform the tasks entrusted to the specific Working Group will be collected and processed. All additional information that is outside the scope of the activities of the ELA Working Groups will be analysed by the case handler/manager/coordinator of the Working group and, if not relevant, will be destroyed immediately after this analysis.

**Documents related to the reimbursement of the expenses of the member of the Working Group/experts:**

- Information about the full name, date of birth and travel documents, as well as accommodation (hotel name and address) and flight (flight reference, company, destination, time of departure/arrival) of the participants may be collected in order to organise the transportation/reimbursement of the participants.
- Financial data: bank account reference (IBAN and BIC codes), VAT number and Legal Entity form (LEF).

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*”.

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 European Labour Authority only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for:

5 years after the person is no longer member of the group or the group is close down (from the nomination and establishment of the Working Group).

Identification data (Name, Surname, Category (representative of the European Commission, Member State, European Parliament, Social partner organization), Representative/Alternate and dates of the term) will be kept for 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.

Data related to ELA Working group on Mediation will be accessible to the members, Head of the Cooperation Support Unit and staff of the Unit on a “need to know basis”. All the relevant documents, including the agenda and a summary of the deliberations of the Working Group will be published in ELA’s website. The list of the members with their names, affiliation, status (member/alternate) and country will be publicly available

ELA Finance, Account and Budget staff will have access to the information related to the reimbursement of the expenses on a need to know basis .

Identification data and personal data related to the organization of the events/meetings will be shared with the relevant external contractors.

In order to promote synergies among the members of each Working Groups, identification data and contact details may be shared. Members will be explicitly informed and will have the right to object to share their contact details outside their Working Group by addressing the specific FMB indicated in the relevant privacy Statement.

No international transfers are foreseen.

*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:

[mediation@ela.europa.eu](mailto:mediation@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-2023-0004 ELA Working Groups.