



European Labour Authority

DATA PROTECTION OFFICER

RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA

DPR-ELA-2022- 0048 EU Talent Pool Pilot project in the EURES portal for persons displaced from Ukraine

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

Record reference	DPR-ELA-2022- 0048
Title of the processing operation	EU Talent Pool Pilot project in the EURES portal for persons displaced from Ukraine
Controller entity	European Labour Authority, Information and EURES Unit, EURES Team (ELA EURES Team)
Joint controllers	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES, fill in details below
Names and contact details of respective joint controllers	<p>European Labour Authority Landererova 12, 811 09 Bratislava I Slovakia</p> <p>and</p> <p>European Commission,</p> <ul style="list-style-type: none"> • Directorate General for Employment, Social Affairs and Inclusion (DG EMPL) • Directorate General for Migration and Home Affairs (DG HOME) <p>1049 Bruxelles/Brussel Belgium</p>
Description of the main responsibilities of each of the controllers, and the essence of the Joint controllership arrangements.	Details described in the Joint controllership agreement
Joint controllership arrangement (Article 28(1))	<input checked="" type="checkbox"/> Link: <input type="checkbox"/> Attachment
Processor(s)	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> YES, fill in details below
Internal organisation(s)/entity(ies)	<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 Joint controllership agreement in place between the European Labour Authority and the European Commission (DG EMPL and DG HOME)
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

In order to facilitate the implementation of the Temporary Protection Directive (‘Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof’) and of the guidance on access to the labour market, the European Commission is working on the Talent Pool Pilot Project for persons displaced from Ukraine.

The European Labour Authority (ELA) in support of those fleeing to the EU since the Russian aggression against Ukraine started, has offered **limited access** to the EURES Job Mobility Portal (EURES Portal) to support this Talent Pool Pilot Project from the European Commission.

The EURES Portal will allow beneficiaries of temporary protection to express their interest in looking for a job, and national authorities – in particular Public Employment Services – to match them with vacancies, in line with the rights of beneficiaries of temporary protection under the Directive.

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

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

Description

EURES Portal implies several different activities (automated and manual).

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:

The data is stored in a database located in the Data Centre of the European Commission and access to this data is protected by an authentication mechanism. Access to the service is made available through the EUROPA web servers, also located in the Data Centre, where the portal is hosted. The data in the database is used for aggregated statistics without the possibility to refer back to the source persons. Statistics are anonymous counters losing the trace to the individual contribution of the participant records. The chat service allowing users to contact the EURES helpdesk and EURES advisers is supported by an external provider as a Software as a Service (SaaS) using a DIGIT framework contract.

1.2.5 Comments on the processing of the data

The access granted to beneficiaries registered for temporary protection is limited to making available their CVs – not to an automatic matching with existing vacancies, but rather searchable for national authorities or contact points.

Temporary protection is an exceptional measure to provide immediate and temporary protection in the event of a mass influx or imminent mass influx of displaced persons from non-EU countries who are unable to return to their country of origin. The 2001 Temporary Protection Directive (Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof) provides a tool for the EU to address such situations.

Security measures are continuously introduced whenever there is a need for it. All interactions with the portal involving personal information, in particular registration and log in to the EURES accounts, is submitted via secure HTTPS connections.

1.3 DATA SUBJECTS AND DATA CATEGORIES

1.3.1 Data subjects' categories

1. Internal to organisation	<input checked="" type="checkbox"/> N/A
2. External to organisation	<input checked="" type="checkbox"/> Yes Beneficiaries of temporary protection fleeing the war in Ukraine and coming to the European Union

1.3.2 Data categories/fields

Indicate the categories of data that will be processed

Account: Username, name, surname, address, e-mail address;

Non-mandatory information (optional): phone, mobile phone, fax number, date of birth, nationality, language preferences, gender.

Temporary protection status

The CVs introduced should indicate that they are third country nationals benefiting of the temporary protection status.

CV/jobseeker profile: Educational and professional background, language and personal skills, desired location, desired occupation,

Desired employment information (as defined in the registered jobseeker profile): Preferred occupation, preferred job title, preferred position, desired location of employment, desired contract type and duration,

Saved search profiles of a registered jobseeker :Name of the profile, frequency of the notification, language, e-mail (prefilled), chosen search criteria,

Enquiries: The text of the question to another user.

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:

Even though is not listed among the special categories of personal data and taking into consideration the imbalance in the relationship between the position of the data subject and the controller, ELA is committed to treat the information related to temporary protection status (refugee status), as sensitive information and therefore adopt appropriate technical and organisational measures to protect it.

If applicable, indicate the reasons under article 10(2) allowing the processing of the special categories of data:

- (a) The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, [...].
- (b) 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 [...].
- (c) Processing is necessary to protect the vital interests of the data subject or of another person where the data subject is physically or legally incapable of giving consent.
- (d) Processing is carried out in the course of its legitimate activities with appropriate safeguards by a non-profit-seeking body which constitutes an entity integrated in a Union institution or body and with a political, philosophical, religious or trade-union aim [...].
- (e) Processing relates to personal data which are manifestly made public by the data subject.
- (f) Processing is necessary for the establishment, exercise or defense of legal claims or whenever the Court of Justice of the European Union is acting in its judicial capacity.
- (g) Processing is necessary for reasons of substantial public interest, [...]
- (h) 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 [...].
- (i) Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices [...].

- (j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes [...].

Additional information

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"/>
Description:	

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
Registered jobseekers personal data	1 year. The personal data will remain until the temporary protection finishes or the data subject withdraw his/her consent.
Helpdesk personal data	The data collected may be stored for quality assurance purposes for a period not exceeding two years
Chat service personal data	Unless otherwise agreed during the chat or stated elsewhere, the chat conversations may be stored for quality assurance purposes for a period not exceeding twelve months

Description

Temporary protection will last for at least one year, this may be extended depending on the situation in Ukraine. Rights under the Temporary Protection Directive include a residence permit, access to the labour market and housing, medical assistance, and access to education for children.

At any time, data subjects may contact the ELA EURES Team at ela-eures-ecg@ela.europa.eu and request the deletion of their data.

1.5 RECIPIENTS

Origin of the recipients of the data	
1. <input checked="" type="checkbox"/> Within the EU organization	ELA authorized staff
2. <input checked="" type="checkbox"/> Outside the EU organization	European Commission (DG EMPL, DG DIGIT) EURES members EURES partners Registered jobseekers Registered employers Public/Non registered users Recipients

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

Description

ELA EURES Team has access to all data categories to the extent they have provided authorization, on a "need to know" basis.

All portal users can access contact details of EURES advisers.

Jobseekers and employers can mutually enquire contact details.

Employers can search published jobseekers CVs.

1.6 INTERNATIONAL DATA TRANSFERS

Transfer to third countries or international organisations of personal data	
1. Transfer outside of the EU or EEA	
<input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur	
<input type="checkbox"/> YES,	
2. Transfer to international organisation(s)	
<input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur	
<input type="checkbox"/> Yes, specify further details about the transfer below	
3. Legal base for the data transfer	
<input type="checkbox"/> Transfer on the basis of the European Commission's adequacy decision (<i>Article 47</i>)	
<input type="checkbox"/> Transfer subject to appropriate safeguards (<i>Article 48.2 and .3</i>), specify:	
2. (a) <input type="checkbox"/> A legally binding and enforceable instrument between public authorities or bodies.	
Standard data protection clauses, adopted by	
(b) <input type="checkbox"/> the Commission, or	
(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) .	
(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.	
3. Subject to the authorisation from the European Data Protection Supervisor:	
<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 .	
<input type="checkbox"/> Administrative arrangements between public authorities or bodies which include enforceable and effective data subject rights.	
<input type="checkbox"/> Transfer based on an international agreement (<i>Article 49</i>), specify	
4. Derogations for specific situations (Article 50.1 (a) –(g))	
<input checked="" type="checkbox"/> N /A	

Yes, derogation(s) for specific situations in accordance with article 50.1 (a) –(g) apply (ies).

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):

- (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
<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: 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:

An explanation of the guidance on how and where to consult the privacy statement
All data protection statements are published and accessible on the EURES portal.
All data subjects have to agree that their personal data is processed in accordance with the data protection statement before they register

1.8 SECURITY MEASURES

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

Description:

The Commission continue to ensure the provision of IT and the operation and development of IT infrastructure.

Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission

Specific measures in place:

Databases and repositories operate on controlled access, limited to the persons needing it.

Access to the secured parts of the EURES application is controlled through an authentication and authorisation mechanism managed within the application.

Access to EURES environments from outside the European Commission is strictly limited to contractors responsible for the development and maintenance of EURES, through a Security Convention defined in collaboration with HR.DS.