

# Record for processing of personal data

**Title:** EU eLab

**Reference:** DPR-EC-09926.1

**Entity of the Operational Controller:** European Commission: Justice and Consumers (JUST.B.3)

**Publication date:** 26/09/2023

## 1. General information

### Data protection record

**Record reference**

DPR-EC-09926.1

**Title of the processing operation**

EU eLab

**Language of the record**

English

**Corporate record**

No

### Data Protection Officer

**Contact details**

[EC-DPO-INTERNAL@ec.europa.eu](mailto:EC-DPO-INTERNAL@ec.europa.eu)

## **Entity of the Operational Controller**

### **Responsible organisational entity**

Justice and Consumers (JUST)

### **Directorate / Unit**

B.3

### **Contact Details**

[JUST-B3@ec.europa.eu](mailto:JUST-B3@ec.europa.eu)

## **Joint controllership**

### **Joint controllership is involved**

N/A

## **Processors**

### **Processors are involved in the processing**

Yes

- **Names and contact details of processors**

Microsoft EU as provider of cloud services. Address: One Microsoft Place South County Business Park Leopardstown Dublin 18 D18 P521 Ireland Telephone: +353 (1) 706-3117

## **2. PURPOSE AND DESCRIPTION OF THE PROCESSING**

### **Purpose**

#### **Description of the purpose of the processing**

The EU eLab is a Microsoft Azure Cloud based system that the European Commission makes available to national consumer protection authorities as a capacity-building tool to detect and tackle malpractices in e-commerce and digital advertising. Only authenticated users, nominated by the authorities (henceforth: the users) designated under Article 5(1) of the Regulation (EU) 2017/2394 can access the EU eLab system.

The Commission processes personal data of the users to grant them access rights to the EU eLab system, and remove access if a user is no longer authorized to access EU eLab by their national authorities.

The Commission monitors the time and volume of sessions at the user level to maintain security, safeguards, efficiency and cost-effectiveness of the system.

The purpose and methods of using eLab for its core objective (detecting malpractices online) is determined by the authorities who nominate the users. The Commission does not have access or insight to any data processed by the users on behalf of the competent Member State authorities, as each user space and storage space is fully isolated.

In principle, consumer authorities target traders (legal persons), although it may entail, depending on the methods of work of each authority, processing personal data. Such activities are, however, fully isolated from processes performed by the Commission. The authorities and the users are informed of this distinction before granting user access, and the authorities are advised to take account of eLab in their relevant assessments.

### **Processing for further purposes**

#### **The purpose(s) for further processing**

- N/A

# Modes of processing

## The mode of processing

- Manual processing
  - b. Excel sheet
  - c. Any other:

Processing personal data of the system user takes place in the Identity and Access Management system. Managed by the processor in a secured and isolated online environment. Processing of personal data related to the credentials is performed semi-automated (password electronically generated).

- Any other mode:

User accounts are managed in a semi-automated process. Necessary for the notification process on system updates or change management. Dispatched automatically if relevant and/ or applicable.

User consumption is currently monitored automatically by the Microsoft Azure system. User account management is currently done manually. Users can be contacted via email and Wiki. Processing is necessary for the guidance and training on the use of eLab system and its content.

To facilitate nomination of the users, the processor has created a collaborative space on the Commission Wiki, which is only accessible to the Commission personnel directly involved in managing the project, and the Single Liaison Offices (Article 5(1)

Regulation (EU) 2017/2394) who will nominate the users. The Single Liaison Offices are requested not to share any information on this contact page.

The eLab provides third-party tools (licensed and freeware). If these tools require named access for the users, the Commission will also manage users' access rights. When the privacy policy of the license provider applies, the users are informed of this in advance, and will be asked to consent to these policies before using the tools.

Use of EU Login and EU Access is expected to be implemented in the future for the purposes of authentication and authorization.

## **Description/additional information regarding the modes of processing**

Processing of users' personal data is currently done in a dual mode:

The Commission will process users' personal data in a semi-automated process in the the Azure Cloud identity and access system (third party infrastructure, which has been approved by DG DIGIT and meets the Commission security requirements).

Any change in processing users' personal data is logged in the Azure Active directory admin center.

Users' profiles are processed and stored in an isolated virtual storage facility on Microsoft servers.

## **Storage medium**

### **The medium of storage (one or more)**

- Electronic
  - Digital (Office documents such as Word, Excel, PowerPoint, Adobe PDF, Audiovisual/multimedia assets, Image files such as .JPEG, PNG)
  - Servers
  - Cloud

## **Description/additional information regarding the storage medium**

The data collected is stored: In servers of the Data Centre of Directorate General for Informatics (DG DIGIT).In servers of the Microsoft Azure platform within EU territory (EU Model Clause compliant datacenters). To give the user access to the eLab system, users' personal data is processed on Microsoft servers. This processing ensures that the user account is linked to the correct user profile. For this processing, Microsoft only has access to the e-mail address and/ or telephone number of the user. In servers of an external contractor premises to manage the eLab system from technical perspective. The Commission may create local backups on the workspaces of the personnel directly involved in eLab. There is no transfer of personal data by the Commission to other EU institutions or Member States. User Data may be transferred to the authorities on the request of the Member State single liaison office who nominated the user.

## Comments

### Comments/additional information on the data processing

The EU eLab system is managed by the European Commission. The contractors involved in the implementation are bound by the Cloud II framework contract, which includes confidentiality and data protection clauses.

### 3. DATA SUBJECTS AND DATA CATEGORIES

#### Data subjects' categories

##### Data subject(s) are

- Internal to the organisation

##### **A description of the data subjects (internal to the organisation)**

EC staff

- External to the organisation

##### **A description of the data subjects (external to the organisation)**

- Public officials nominated and identified by national competent authorities (currently the EU eLab is open to the national consumer protection authorities designated under CPC Regulation 2017/2394/EU).
- The contractors' designated staff

#### Data categories/fields

##### Description of the categories of data that will be processed

- For all purposes: Identification data: Location (country), Name of the Authority, First name, Last name, e-mail address, mobile phone number, department, job title, competence (e.g. Legal, IT, Management, Online Investigator, Data Analytics). Name of the Member State SLO.
- For registration and access purposes: data collected and processed by multi-factor authentication (MFA tool), i.e. e-mail address and mobile phone number.

**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

**Description/additional information regarding special categories of personal data**

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## **Data related to 'criminal convictions and offences'**

The data being processed contains sensitive data which fall(s) under Article 11 'criminal convictions and offences'

N/A

## **Comments**

Comments/additional information on data subjects and data categories

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## 4. RETENTION PERIOD

### Data categories and their individual retention periods

The administrative time limit(s) for keeping the personal data per data category

#### 1. Data category

Name external

##### Retention period

Personal Data will stay in process for as long as the user account is active in the eLab system. On the initiative of the Member State authority the user account will be deactivated by the Commission. After one year starting from deactivation date the personal data will be deleted from all sources in an automated way.

##### Start date description

Activation of the user account in the eLab system.

##### End date description

One year after deactivation of the user account.

#### 2. Data category

Email address external

##### Retention period

Personal Data will stay in process for as long as the user account is active in the eLab system. On the initiative of the Member State authority the user account will be deactivated by the Commission. After one year starting from deactivation date the personal data will be deleted from all sources in an automated way.

##### Start date description

Activation of the user account in the eLab system.

**End date description**

One year after deactivation of the user account.

3. **Data category**

Phone number external

**Retention period**

Personal Data will stay in process for as long as the user account is active in the eLab system. On the initiative of the Member State authority the user account will be deactivated by the Commission. After one year starting from deactivation date the personal data will be deleted from all sources in an automated way.

**Start date description**

Activation of the user account in the eLab system

**End date description**

One year after deactivation of the user account.

4. **Data category**

Department external

**Retention period**

Personal Data will stay in process for as long as the user account is active in the eLab system. On the initiative of the Member State authority the user account will be deactivated by the Commission. After one year starting from deactivation date the personal data will be deleted from all sources in an automated way.

**Start date description**

Activation of the user account in the eLab system.

**End date description**

One year after deactivation of the user account.

**5. Data category**

Location details external

**Retention period**

Personal Data will stay in process for as long as the user account is active in the eLab system. On the initiative of the Member State authority the user account will be deactivated by the Commission. After one year starting from deactivation date the personal data will be deleted from all sources in an automated way.

**Start date description**

Activation of the user account in the eLab system.

**End date description**

One year after deactivation of the user account.

**6. Data category**

Function external

**Retention period**

Personal Data will stay in process for as long as the user account is active in the eLab system. On the initiative of the Member State authority the user account will be deactivated by the Commission. After one year starting from deactivation date the personal data will be deleted from all sources in an automated way.

**Start date description**

Activation of the user account in the eLab system.

**End date description**

One year after deactivation of the user account.

**Comments**

**Comments/additional information on the data retention periods**

The controller shall provide information on action taken on a request under Articles 17 to 24 of the Regulation (EU) 2018/172 to the user without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests.

## 5. RECIPIENTS

### Origin of the recipients of the data

#### The origin of the data recipients

- Within the EU organisation

##### **A description of the indicated recipients of the data**

Commission Staff

- Outside the EU organisation

##### **A description of the indicated recipients of the data**

Commission's contractors directly involved in the project.

### Categories of the data recipients

#### The categories (one or more) of the data recipients

- A natural or legal person
- Public authority

#### **Description of the indicated category(ies) of data recipients**

DG JUST staff working on the project will have access to all personal data categories as mentioned in tab IV for the purpose of managing the EU eLab system.

Staff of DIGIT (solution provider)

Staff of the contractor(s) will have limited access to personal data categories for the purpose of managing the EU eLab system. Personal data categories are name, phone number, email address and and single liaison offices designated under Article 5(1) of the Regulation (EU) 2017/2394 (via secure collaborative space established by the Commission.

#### **Who has access to which parts of the data**

Staff indicated above will have access to the personal data of users only in the context of

performing maintenance and management of the EU eLab system. Staff of the contractor will have limited access to personal data categories for the purpose of managing the EU eLab system (name, phone number, email address)

## **Comments**

### **Comments/additional information on data recipients**

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## **6. INTERNATIONAL DATA TRANSFERS**

### **Transfer outside of the EU or EEA**

**Data is transferred to countries outside the EU or EEA**

N/A

### **Transfer to international organisation(s)**

**Data is transferred to international organisation(s)**

N/A

### **Comments**

#### **Comments/additional information on international data transfers**

No international data transfers are taking place.

Not applicable. Data at rest and in transit is processed on servers within the EU. The EU eLab environment is processed from Microsoft server in the Netherlands. Back-ups and Disaster recovery is processed on Microsoft servers located in Ireland. Bound to contractual agreements with the EC provided by the solution provider DG-DIGIT. Guarantees are in place and technical and organizational measures are in place. We monitor traffic and are able to check on various levels where traffic goes and data is stored.

## **7. INFORMATION TO DATA SUBJECTS ON THEIR RIGHTS**

### **Privacy statement**

#### **Rights of the data subjects**

##### **The processing should respect the following rights of data subjects**

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

##### **The data subjects are informed about their rights and how to exercise them in the form of a privacy statement attached to this record**

Yes

#### **Publication of the privacy statement**

- Other form of publication:

When the dedicated user starts the login process, the privacy statement is available on the login page of the EU eLab system and the user is considered to have read it and consented before taking the next step to the login process.

A copy of the most recent applicable privacy statement is available on the project Wiki.

##### **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**

Yes

##### **An explanation of the guidance on how and where to consult the privacy statement**