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## Regarding the Privacy Policy

This Privacy Policy is applicable to the Labour Inspectorate (Inspection du travail et des mines) (hereinafter referred to as “the ITM”) and its aim is to set out, in a clear and transparent language, the nature of the personal data which the ITM collects, and to explain how such personal data are processed.

It applies to members of the public and users of the ITM’s services.

## Definitions

“**Personal data**” means any information relating to you or which can be linked to you. These include in particular:

- so-called standard pPersonal data: surname, first name, postal address, email address, date of birth, IP address, identification number, IT login etc.;
- Data considered as being sensitive: identification number, bank data;
- Sensitive data: in particular data relating to the state of health (photo of the EU vaccination certificate or vaccination card, photo of the certificate of contraindication to vaccination against Covid-19, photo of the red screen displayed on the Covid Check application, photo of the certificate other than QR or vaccination card, etc.).

“**Processing**” means any operation or set of operations which is performed in respect of personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Personal data made available by the data subject are processed by the ITM for the performance of its duties in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (hereinafter the “GDPR”).

The ITM also uses data that are legally available from public sources or are provided legitimately, either by the Minister having work in his or her duties, or by the competent administrations, the Committee for coordination of the national system of inspection of the world of work, judicial authorities, any natural or legal person governed by public or private law, any agency and/or expert approved by the Minister.

## What type of data does the ITM collect concerning you?

The ITM must have in its possession certain information concerning you in order to perform its duties. The ITM is required by law to collect certain data.

The personal data which the ITM collects include:



- Identification data, such as surname, first name, date and place of birth, identification number, email address, IP address of your PC or mobile device;
- Socio-demographic data, such as marital status, children;
- Data on online behaviour, for example the IP address of your mobile device or PC, the pages visited on our public website;
- Data concerning your needs, of which you give notice to the ITM, for example by contacting its Help Centre;
- Audiovisual data, for example videos from surveillance cameras;
- The data recorded in your passport;
- Data relating to children;
- Data concerning health.

### What does the ITM do with your personal data?

The ITM processes your personal data only for the purposes of performing its duties. These include in particular:

- Administration: the ITM is required to collect personal data confirming your identity (such as a photocopy of your identity card or passport) and to determine what action the ITM should take in relation thereto. The ITM must also know your address or phone number in order to be able to contact you.
- Services: the ITM processes the information concerning you for the exercise of its duties, as provided for in the Labour Code (Code du travail) and subsidiarily by certain related laws; these are:
  - to apply and to ensure the application of legislation, including in particular working conditions and employee protection; (for example: to ensure the safety and health of employees with access to the workplace (i.e. in the context of Covid checks carried out by the ITM and in accordance with Article 3 septies, paragraph 8 of the amended Law of 17 July 2020 on the measures to combat the Covid-19 pandemic, the so-called “Covid Law”);
  - to advise and assist employers and employees and to provide practical legal and technical information with regard to the implementation of legal, regulatory, administrative and contractual provisions in matters of work and occupational safety and health and to take on the role of joint interlocutor in order to obviate and resolve individual social conflicts;
  - to bring to an end situations conflicting with legal, regulatory, administrative and contractual provisions in matters of work and occupational safety and health;
  - to identify infringements in the areas within its competence and notify the State Prosecutor (le Procureur d’Etat) thereof,
  - to bring to the attention of the Minister any deficiencies or abuses of rights observed in practice, as well as questions of fact not specifically covered by the said existing provisions and to suggest to



him or her the means of remedying them by issuing a detailed opinion.

- Managing relations with members of the public/users: it is possible that the ITM will ask you for feedback on its services during surveys and that the ITM will share it with its staff in order to improve its services to members of the public/users;
- To provide you with the most suitable services: the ITM collects information about you when you visit our website (e.g. contact form), as well as when you call the Help Centre service. ITM staff perform their analysis in order to identify your needs.

### To whom does the ITM send your data? And for what reasons?

In order to provide the best possible service, the ITM transmits certain data to addressees, whether internal or external.

These include in particular:

- Natural or legal persons governed by private or public law, approved by the Minister, persons who are called upon, in particular within the framework of the duties defined by the Labour Code, to perform various technical tasks, studies and verifications;
- Monitoring bodies and experts approved by the Minister;
- Government authorities.

In certain cases, the ITM is legally obliged to transmit your data:

- To public and regulatory authorities;
- To judicial/investigative authorities (State Prosecutor, courts and tribunals) in response to an express legal request.
- To lawyers, for example agents responsible for defending the interests of the parties
- etc.

The ITM may have to transmit your data to a competent administration for regulatory, operational, or report-writing purposes, to ensure that IT systems are secure or to provide services.

It is also possible that the ITM may transmit your data to centralised storage systems.

- Service providers  
When the ITM uses service providers, it may pass on your personal data in so far as they are required for the service providers to perform their duties. Here is a non-exhaustive list of activities involving service providers:
  - Preparation of reports and statistics, printing of documents;
  - Organisation of Webinars.

In the event that your data are transferred to third countries or international organisations, the provisions of the European data protection regulations are applied by the ITM to ensure that the level of protection of individuals guaranteed by the regulations is not compromised.



## Your rights and compliance with them

The ITM respects your rights to determine how your personal data are used. Specifically, this right can be broken down as follows:

### Right of access by the data subject

You have a right to obtain from the ITM confirmation as to whether or not personal data concerning you are being processed, and, where that is the case, access to the personal data and the information provided in Article 15 of the GDPR.

### Right of rectification

If your personal data are inaccurate or incomplete, you have the right to ask the ITM to rectify them. If the ITM has forwarded them to a third party, the ITM will notify them of the rectification.

### Right to object to processing

In principle, you can object to the use of your personal data by the ITM, which will take into account your right to object and determine whether the processing of your data unfairly harms you in a way that forces the ITM to bring it to an end.

However, you cannot object to the processing of your personal data when the law requires the ITM to carry out the processing, if your data are necessary for the exercise of its powers, even if you oppose this.

### Right to restrict processing

You have the right to ask the ITM to limit the use of your personal data by the ITM, under the conditions provided for in Article 18 of the GDPR.

### Right to be forgotten

You have the right to ask the ITM to erase your personal data if there is no longer any legitimate reason for retaining them.

Right to withdraw your consent at any time.

### Right to complain

If you have a complaint relating to the processing of your personal data, or if you suspect a potential breach of the security of your personal data, you can consult the complaints procedure published on the ITM website and/or contact the ITM by contacting the Data Protection Department (Service Protection des Données), BP 27, L-2010 Luxembourg, e-mail: [protection.donnees@itm.etat.lu](mailto:protection.donnees@itm.etat.lu), subject to compliance with the identity verification procedure described below.

You are also entitled to lodge a complaint with the national supervisory authority for the protection of personal data, the National Commission for Data Protection (Commission Nationale pour la Protection des Données - CNPD), whose registered office is at 15, Boulevard du Jazz, L-4370 Belvaux, [www.cnpd.lu](http://www.cnpd.lu); complaints may also be lodged with the competent courts.



### Notification of a personal data breach to the supervisory authority and communication to the data subject.

Any personal data breach will be notified by the ITM to the competent supervisory authority without undue delay and, where feasible, no later than 72 hours after the ITM having become aware of it, unless the personal data breach in question is unlikely to result in a risk to the rights and freedoms of natural persons.

When a personal data breach is likely to result in a high risk to the rights and freedoms of a natural person, the controller shall communicate this personal data breach to the data subject without undue delay, unless this communication is not required by virtue of Article 34(3) of the GDPR.

### Exercise of your rights

To exercise your rights, you can consult our website, go to the ITM's premises or make a phone call.

The ITM will respond without undue delay and in any event within one month of receipt of your request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. If the ITM needs more time to process your request, it will inform you of such extension within one month of receipt of the request.

If the ITM does not take action on your request, the ITM will inform you without delay and at the latest within one month of receipt of the request of the reasons for not taking action.

### How does ITM protect your personal data?

Your personal data are processed in such a way as to guarantee a level of security appropriate to the risk, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

In order to ensure the security of your data, the ITM applies to all of its activities a set of policies (i.e. General Information Security of the Luxembourg State (ANSSI) and minimum standards decided upon internally. These are regularly updated so that they comply with the regulations. The ITM takes the necessary technical and organisational measures (policies and procedures, IT security, etc.) to guarantee the confidentiality and integrity of your personal data and of the processing procedures.

The ITM implements adequate technical and organisational measures to guarantee the security and confidentiality of the data subject to such processing.

ITM staff are required to keep secret any confidential information received in or during the performance of their duties and each member of staff has access only to the data they need for fulfilment of the tasks assigned to them.

The control and supervision of the processing operations implemented by the ITM are exercised by the monitoring authorities established by Article 51 of the GDPR and by



Article 56 of the Law of 1 August 2018 on the Organisation of the National Commission for Data Protection and the General Data Protection Regime.

### Video surveillance

Buildings under the responsibility of the ITM are subject to video surveillance. The use of the video surveillance system for security and access control purposes is necessary to ensure the proper functioning of the ITM and the exercise of the public authority vested in it.

The operation of the video surveillance system complies with Article 6(1)(e) of the GDPR and Article L.261-1 of the Labour Code.

The video surveillance system covers:

- External areas/emergency exits
- Access to reception
- Car park access (barriers and doors)/ramps and traffic lanes on the various levels of the car parks
- The public area inside the buildings (central hall)
- Corridors to private protected areas (staircases, access to lifts)
- Premises exposed to risk (computer room and archive room)

The processing carried out in relation to the images recorded consists of a visualisation in real time or at an appropriate time by authorised personnel, in order:

- to ensure the security of the information entrusted to the ITM
- to protect ITM property (buildings, facilities, equipment, official cars, information, etc.)
- to detect any intrusion or unauthorised access
- to ensure the safety and health of employees
- to ensure the safety and health of visitors
- to detect and identify potentially suspicious or dangerous behaviour likely to cause accidents or incidents
- to organise and supervise the rapid evacuation of people in the event of an incident
- to be able to alert the emergency, fire or law enforcement services in good time and to facilitate their intervention
- to identify the origin of an incident with precision.

A retention period of 15 days has been set (set with regard to the criticality of the information entrusted to the ITM). In the event of an incident or offence, the images may be kept beyond this period and, if necessary, be disclosed to the competent police or judicial authorities.

The ITM implements adequate technical and organisational measures to guarantee the security and confidentiality of the data subject to such processing.

### What can you do to help ITM protect your data?

You can:



- Install anti-virus, anti-spyware and firewall software and keep this software up to date;
- Make sure that your equipment is not left unattended;
- Stay alert on the Internet and spot suspicious activity, such as changes of site addresses or phishing emails asking for personal data.

### How long does the ITM keep your personal data?

The ITM is authorised to keep your personal data for no longer than is necessary for the purposes for which the personal data are processed. Your personal data may be stored for longer periods insofar as your personal data are processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard your rights and freedoms.

Such retention periods may be imposed by the laws in force in the Grand Duchy of Luxembourg (i.e. Law of 23 July 2016 amending (1) the Law of 29 March 2013 on the Organisation of Criminal Records, (2) the Code of Criminal Investigation, (3) the Criminal Code, Covid law (data are stored for a period corresponding to the period of validity of the Covid law).

The retention periods may depend on the circumstances.

### Contact us

To learn more about ITM's policies and procedures on data protection and processing, you can contact the ITM through our usual communication channels:

- By going to the ITM premises;
- By contacting the Help Centre;
- By contacting the ITM via e-mail: [protection.donnees@itm.etat.lu](mailto:protection.donnees@itm.etat.lu), referring to "Data Protection".

### Identity verification procedure

In accordance with Article 12 (6) of the GDPR, the ITM must have sufficient guarantees in order to be able to establish with certainty the identity of the person requesting information.

At the present stage, the ITM has adopted three options in order to allow the exercise of rights of access to information, namely by:

- Letter accompanied by a copy of an identity document (identity card or passport). The response will be sent exclusively to the official address at which the applicant is registered.
- Email accompanied by a copy of an identity document (identity card or passport). The response will be sent exclusively to the official address at which the applicant is registered.





- In both cases, the response will be sent exclusively to the official address at which the applicant is registered.
- Oral request, made by attending personally, during office hours and with an identity card, at the ITM premises; in such case, it is possible to request that the response be sent to an address of the applicant's choice.

### **Translated versions of this Privacy Policy**

Unless otherwise agreed, in case of discrepancy between the French version and the translated versions of this Privacy Policy, only the French version shall prevail.