

Privacy Policy (Policy)

The purpose of this Policy is to inform our clients, persons benefitting from a service provided by ADEM and, more generally, persons who interact with us in the course of our statutory tasks about the way we process their personal data.

To easily browse through this Policy, click on the section that interests you.

1. Who are we?

The National Employment Agency (*Agence pour le développement de l'emploi*, hereafter **"ADEM"** or **"we"**) is a Luxembourg administration under the responsibility of the Ministry of Labour, Employment and the Social and Solidarity Economy, whose mission is to promote employment.

Within the meaning of Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (**GDPR**), ADEM is a data controller.

➤ **Our contact details :**

Agence pour le développement de l'emploi (ADEM)

19, rue de Bitbourg

L-1273 Luxembourg-Hamm

Jobseekers : Tel.: (+352) 247-88888

Employers : Tel.: (+352) 247-88000

E-mail : info@adem.etat.lu

➤ **Contact details of our DPO**

If you have any questions about the processing of your personal data by ADEM, you can contact ADEM's Data Protection Officer (DPO) via :

- email : info.rgpd@adem.etat.lu ;
- post : ADEM, Data Protection Officer (DPO), BP 2208, L-1022 Luxembourg.

2. Who is concerned by this Policy?

This Policy concerns our clients, persons benefiting from a service provided by ADEM, as well as, more generally, persons who interact with us in the course of our statutory tasks, in particular the :

- jobseekers (whether or not they receive unemployment benefits) ;
- contact persons representing employers who make use of our services ;
- apprenticeship candidates and apprentices ;
- persons wishing to obtain or having obtained the disabled employee status ;
- persons subject to professional redeployment and employees being redeployed internally or externally ;
- employees concerned by an application submitted by their employer ;
- people who attend events organised by ADEM ;
- people who contact us for information ;
- ADEM's partners.

hereafter jointly referred to as "**you**"

3. Why do we process your personal data?

Our mission at ADEM is to assist you in employment matters. We process your personal data in order to accomplish this mission. In most cases, we need your data **to help you find a job** as a jobseeker, **to identify the workforce** you need as an employer or **to allow you to benefit from a financial aid**.

To better understand how we use your data, you can check the full list of purposes for which we process your data below:

- accompanying, advising, guiding and helping jobseekers ;
- coordinating and organising training for jobseekers in order to increase their professional skills ;
- granting of training allowances and subsidies to jobseekers ;
- prospecting the job market, collecting job offers, helping and advising employers in their recruitment process ;
- to ensure the matching of job offers and applications ;
- granting unemployment benefits to people who have lost their jobs ;
- refund of allowances to employers in the context of short-time working, involuntary and temporary layoff, weather-related layoff ;
- granting compensation to employees in the event of the employer's bankruptcy ;
- receiving social plans from employers pursuant to the legislation on collective redundancies ;
- granting unemployment benefits during the creation or takeover of a business to indemnified jobseekers ;
- granting re-employment support and geographic mobility support to jobseekers ;
- granting aid to employers contributing to the preservation of jobs : aid for reintegration of long-term unemployed jobseekers, aid for the re-employment of older jobseekers, aid to employers hiring a jobseeker after a professional training internship ;
- organise apprenticeship placements for young people and adults ;
- granting of financial aid for apprentices and for employers in the context of an apprenticeship;
- providing career guidance for the integration or reintegration of young people and adults into the labour market ;
- providing measures to facilitate labour market integration for jobseekers (*employment support contract ; employment initiation contract ; job re-integration contract ; special measures ; compensated temporary occupation, pool of assistants, professional training internship, works of collective utility*) ; granting of financial aid to employers and payment of salaries and allowances to jobseekers in the context of these measures;

- management of applications for disabled employee status ;
- providing guidance, training, re-education, integration and reintegration into the workplace, as well as follow-up for disabled employees and employees with reduced working capacity ;
- granting financial aid to disabled and redeployed employees ;
- granting financial aid to employers who have hired disabled and redeployed employees ;
- giving assessments of the person's inability to enter the regular job market in the context of an application for social inclusion income (*REVIS*) ;
- issuing "U1" work certificates to jobseekers to enable them to claim unemployment benefits in their country of residence ;
- issuance of the certificate for the tax relief for hiring unemployed jobseekers, enabling the employer to benefit from a tax relief from the Luxembourg Inland Revenue (ACD) ;
- management of requests for authorisation of work force loan (*prêt de main d'œuvre*) ;
- management of requests for a temporary work permit concerning applicants for international protection ;
- responding to enquiries received via telephone, email or the contact form available on our website ;
- performing controls in order to identify and tackle cases of fraud in relation to the services provided by ADEM and applying sanctions in the event of proven abuse ;
- dealing with complaints addressed to ADEM and ensuring the defence of our rights and legitimate interests in legal proceedings ;
- raising public awareness of our activities ;
- ensuring cooperation with foreign and international public employment services and similar services, in particular with regard to the coordination of social security systems in the European Union ;
- producing statistics as part of our statutory tasks. In particular, ADEM collaborates with the Ministry of Labour, Employment and the Social and Solidarity Economy and the General Inspectorate of Social Security (IGSS) to carry out studies on the labour market ;
- improving our services: ADEM may ask you for feedback on its services by means of client satisfaction surveys ;
- for archiving purposes in the public interest.

We also inform you that our staff may take notes of the interactions you have with them (for example, during your follow-up appointments or during a medical assessment) in order to ensure proper follow-up of your application or file.

4. What is the legal basis for processing your data?

As a general rule, the processing of your data is necessary for the performance of our tasks carried out in the public interest pursuant to Article 6 (1) (e) of the GDPR. Our statutory tasks are defined in the Labour Code (in particular Article L. 621-1) and in associated laws.

The use of your voice and image in the context of the promotion of our work (e.g. making and publishing a story about you on our website) is based on your consent pursuant to Article 6(1)(a) of the GDPR.

The processing of special categories of personal data is necessary, depending on the case:

- for the purposes of carrying out our obligations and exercising your specific rights in the field of employment (Article 9, paragraph 2, b) of the GDPR) ;
- for the defence of our rights in legal proceedings (Article 9, paragraph 2, (f) of the GDPR) ;
- 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 (Article 9, paragraph 2, h) of the GDPR) ;
- for archiving purposes in the public interest and for statistical purposes (Article 9, paragraph 2, j) of the GDPR).

5. What categories of personal data do we process?

ADEM may collect the following categories of data about you:

- **Identification and contact data** (e.g. surname, first name, social security number, contact details and address, nationality, identity card) ;
- **Personal characteristics** (e.g. date of birth, marital status) ;
- **Bank and financial data** (e.g. bank details, salary slips, aid and allowances granted by ADEM, tax slips, income, rent) ;
- **Data relating to your education and qualification(s)** (e.g. CV, motivation letter, professional project, diplomas, training and studies completed, language and computer skills, training courses offered by ADEM with an indication of the attendance rate and, if applicable, the success rate) ;
- **Data on your professional experience and periods of social security affiliation** ;
- **Data relating to your registration as a jobseeker with ADEM** (e.g. dates of opening and closing of the file, reason for closing, contact details, languages of correspondence, data relating to absences and attendance at appointments, notes taken by our staff, convocations, summonses (*assignations*), measures to facilitate labour market integration from which you have benefited) ;
- **Data on services provided by ADEM** ;
- **Health-related data** (e.g. certificate of aptitude for work, certificate of incapacity for work, attestations of restrictions of aptitude, medical assessments, diagnoses, existence of addictions, test results, doctors' opinions, disabled employee status and redeployed employee status) ;
Within the meaning of the GDPR, these data are special categories of personal data, and their processing by ADEM is based on the legal grounds listed in section 4 above.
- **Household composition** (dependent children, name of spouse or partner) ;
- **Various data necessary for your job search** (e.g. mobility status, existence of a driving licence, jobs sought, types of contract sought) ;
- **Immigration data** (e.g. residence permit, existence of an application for international protection) ;
- **Image and voice** (photos, videos) ;
- **Data relating to legal claims and complaints.**

6. How do we obtain your personal data?

In most cases, we collect your personal data directly from you, for example, when you send us a form to apply for a benefit or when you interact with our staff.

We may obtain your data from your legal representative, from any person acting on your behalf, from your employer/potential employer in the context of a service requested by the latter or from our partners (our EURES partners, training organisations). *For more information on these data sharing, please see section 7 below.*

In order to verify the accuracy of the data provided and to ensure that the data are regularly updated, we exchange data with other national administrations and foreign public employment services. In particular, ADEM has direct access, via a computerised system, to the National Registry of Natural Persons (RNPP) and to the database on the affiliation of employees and self-employed and on wages and salaries managed by the Joint Social Security Centre. *For more information on these data sharing, you can refer to Article L. 621-3 of the Labour Code.*

Finally, we may carry out checks from publicly available sources such as websites (search engines, social networks, Trade and Companies Register) in order to identify and tackle cases of fraud in connection with ADEM's services.

7. With whom do we share your personal data?

In line with the purposes defined in section 3 above, ADEM may share your personal data with the following categories of recipients:

a) Ministries, national administrations, public institutions located in the Grand Duchy of Luxembourg

For more information on regulated data exchanges between ADEM and certain administrations, please refer to Article L. 621-3 of the Labour Code.

b) Partner training providers

ADEM collaborates with external training providers located in the Grand Duchy of Luxembourg for organising the training of jobseekers. For this purpose, the contact details of jobseekers, as well as data related to the participation in the training (e.g. attendance rate, success rate) are exchanged with these organisations.

c) Government-funded bodies active in the field of employment

ADEM shares data with organisations whose mission is to help jobseekers re-enter the labour market, such as social initiatives or the Centre d'Orientation Socio-Professionnelle COSP a.s.b.l. (COSP). The purpose of these data exchanges is to support jobseekers in their professional integration/reintegration.

d) Sheltered workshops

A sheltered workshop is a workplace whose structure and operation are adapted to the specific needs and individual abilities of the person with disabled employee status. ADEM exchanges data with these workshops as part of its mission to support disabled employees.

e) Foreign public employment services

ADEM may share your data with foreign public employment services (foreign administrations with similar missions as ADEM) such as "Pôle Emploi" (France) or "Office national de l'emploi" (Belgium). These exchanges take place within the framework of Regulation (EC) No 883/2004 on the coordination of social security systems.

We may also share data in order to prevent employment fraud and undeclared work.

f) Employers

ADEM shares the contact details and CVs of jobseekers with potential employers offering vacancies in order to help jobseekers find a job.

In addition, ADEM shares the data of jobseekers wishing to benefit/benefiting from measures to facilitate their integration into the labour market (*mesures en faveur de l'emploi*) with the entity receiving the jobseeker under the measure. This data sharing is necessary to ensure the follow-up and guidance of jobseeker and the payment of allowances and aid in connection with these measures.

g) Competent bodies for disabled employees and professional redeployment

ADEM shares data of disabled and redeployed employees with the Medical Commission (*Commission médicale*), the Guidance and Occupational Reclassification Committee (*Commission d'Orientation et Reclassement professionnel*) and the Joint Committee (*Commission Mixte*).

h) Persons appointed by you or by the court to act on your behalf

ADEM may share data about you with persons appointed to act on your behalf or to defend your interests. This includes in particular bankruptcy trustees, lawyers, trade unions, social workers, interpreters/translators, legal guardians.

i) EURES network partners

If you are interested in finding a job in another EU country, our EURES advisers may pass on your details to the EURES advisers in the country in which you wish to work in order to assist you in your job search.

j) Our external legal advisors

k) Our service providers

ADEM uses external contractors for the performance of our tasks carried out in the public interest, such as IT service providers (such as *Centre des Technologies de l'Information de l'Etat*), communication agencies and consultants. We undertake to use only processors located in the European Union who offer appropriate safeguards with regard to the protection of personal data.

l) Partners helping us to carry out awareness-raising activities

ADEM may share your data to organise events, Jobdays, conferences and other activities to promote our services with partners such as media organisations, professional chambers, employers' organisations.

m) Law enforcement authorities and other third parties

ADEM may share data about you with law enforcement authorities and other third parties in order to defend our legitimate rights and interests in court or when we are legally required to do so.

Non-exhaustive list of authorities and third parties with which we may share data in this context:

- Police (*Police Grand-Ducale*) ;
- Prosecutor's office and investigating judge(s) ;
- Ombudsman ;
- Special review commission (*Commission spéciale de réexamen*) ;
- Courts and tribunals, in particular the social jurisdictions (*Conseil arbitral et Conseil supérieur de la sécurité sociale*) ;
- Creditors and their representatives in the context of an attachment concerning you ;
- Judicial experts;
- Notaries.

8. How long do we keep your personal data?

We can keep your personal data only for as long as it is necessary to achieve the purposes of the processing set out in section 3 above. In determining the retention periods, we take into account the following criteria:

- the purpose(s) of the processing of your data ;
- our legal obligations to retain certain information for a minimum period of time ;
- applicable limitation periods.

9. Are you legally required to provide us with your personal data?

Unless we specify otherwise, the information we collect directly from you (for example, via forms on our website) is mandatory to enable us to carry out our statutory tasks. Without this information, we will not be able to provide you with the requested service. We will inform you if the provision of certain data is optional.

10. What are your rights and how can you exercise them?

Under the GDPR you have the following rights:

➤ Right of access by the data subject

You have the right to ask us about the personal data we hold about you. Upon request, we will provide you with a copy of your personal data free of charge. We reserve the right to withhold certain information to respect the rights of third parties.

➤ Right to rectification

Do you think that your data is not accurate or up-to-date? You have the right to ask us to rectify it.

➤ Right to object

You have the right to ask us to stop processing your personal data on grounds relating to your particular situation. ADEM may refuse to exercise this right if there are compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the data subject, or if the processing is necessary for the establishment, exercise or defence of legal claims.

➤ Right to restriction of processing

You may ask us to restrict the processing of your personal data in certain circumstances, for example, when we are checking the accuracy of your personal data.

➤ Right to erasure (right to be forgotten)

You have the right to ask us to delete your personal data. If we are legally obliged to retain certain personal data, we cannot comply with this request.

➤ Right to withdraw consent

With regard to data processing based on your consent, you can withdraw your consent at any time.

➤ Right to data portability

Where data processing depends on your consent, you have the right to request from ADEM the direct transfer of your personal data, either to you or to a third party.

➤ Right to lodge a complaint

If you believe that your data protection rights have been infringed, you have the right to lodge a complaint about the processing of your personal data with a local supervisory authority. The competent supervisory authority in the Grand Duchy of Luxembourg is the National Data Protection Commission (CNPD). For more information, you can check the website of the CNPD <https://cnpd.public.lu/>.

➤ **How to exercise your rights**

If you have a complaint, question or concern about the way we use your personal data, you can contact our DPO via:

- email : info.rgpd@adem.etat.lu;
- post : ADEM, Data Protection Officer (DPO), BP 2208, L-1022 Luxembourg

If you contact us to exercise your rights, we will respond within one month. Exceptionally, this period may be extended (up to a maximum of 3 months), but we will inform you of this within one month. Whether or not you can exercise your rights depends on the processing and the legal basis.

ADEM reserves the right to ask for additional information in order to check your identity before complying with your request.