

Notice concerning the provision of information concerning one or more processing operations of personal data carried out by or on behalf of the BRPS

The present notice hereby informs you, in full transparency and in compliance with the General Data Protection Regulation* (GDPR), of the processing of personal data carried out in the context of the following processing operation: **the granting by Brussels Economy and Employment of an authorisation to employ a worker of foreign nationality in the Brussels-Capital Region**

*: see <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&from=EN>

1. CONTROLLER AND DATA PROTECTION OFFICER

The **Controller** is registered with the Crossroads Bank for Enterprises under number 0316.381.039. Their identity and contact details are:

Brussels Economy and Employment (Brussels Regional Public Service)
Place Saint Lazare 2 - 1035 Brussels
<https://economie-emploi.brussels> <https://servicepublic.brussels/economie-emploi@sprb.brussels>
+32 (0)2 204 21 11

They have appointed a **Data Protection Officer (DPO)**, who can be contacted by data subjects regarding all matters relating to the processing of their data and the exercise of their rights under the GDPR:

Data Protection Officer at the BRPS
Place Saint Lazare 2 - 1035 Brussels
dpo@sprb.brussels

2. PURPOSES AND LEGAL GROUNDS OF THE PROCESSING

The processing of personal data serves the following purposes:

- **Handling by Brussels Economy and Employment of requests for authorisation to employ a worker of foreign nationality in the Brussels-Capital Region, in the following cases:**
 - Employment of a worker of foreign nationality for a maximum of 90 days (specific list of functions at <https://economy-employment.brussels/permit-your-situation>) or employment of a trainee
 - Employment of a cross-border worker
 - Work permit for an unlimited period for all paid professions
 - Work permit of unlimited duration for a worker who is a long-term resident in another EU country after 12 months of employment in an occupation with a skills shortage
 - Notice of arrival of a worker of foreign nationality for training of up to 3 months
 - Notice of arrival of a post-doctoral student or executive
 - Employment contract for a fixed term of 12 months or more
 - Employment of a young au pair

The processing is lawful to the extent that the following condition is met:

- 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 controller. The task or authority in question is based on:

- Law of 30 April 1999 on the employment of foreign workers
- Royal Decree of 9 June 1999 implementing the Law of 30 April 1999 on the employment of foreign workers
- Cooperation agreement of 2 February 2018 between the Federal State, the Walloon Region, the Flemish Region, the Brussels-Capital Region and the German-speaking Community on the coordination of policies for granting work permits and residence permits, as well as standards relating to the employment and residence of foreign workers

3. PROVISION OF DATA

The provision of personal data collected for this processing is of a regulatory nature.

It is mandatory, as failure to provide the data has the following consequences:

- The collection of personal data in this context is necessary for the management of the work permit application and failure to provide personal data would result in the refusal of the application.

4. CATEGORIES AND SOURCE OF PERSONAL DATA

Brussels Economy and Employment collects from the applicant personal data concerning the applicant him or herself and personal data concerning the person whose employment is the subject of the work permit application.

The categories of personal data collected from the applicant, but pertaining to the person whose employment is the subject of the work permit application, are detailed below, by type of permit application:

1) Application for authorisation to employ a worker or trainee of foreign nationality for a maximum of 90 days. Application for authorisation to employ a cross-border worker

- Data categories for any type of application for employment pertaining to the worker/trainee employed in Belgium for a period of up to three calendar months or for any application to employ a cross-border worker:
 - Identification and contact information (surname, first name, date and place of birth)
 - National Register number, gender and nationality
 - Information on education and professional career (curriculum vitae, diplomas)
 - Information on current domicile
 - Information on the employer and workplace
 - Information on the occupation (function, joint committee number, occupation category)
 - Driving licence (HGV drivers)
 - Medical certificate with a dated statement that there is no indication that his/her health condition will render him/her unfit for work in the near future
 - Employment contract (function, period, remuneration, etc.)

2) Notice of arrival in Belgium of a worker to follow a training course lasting less than or equal to 3 calendar months pursuant to article 2, 29° of the Royal Decree of 9/6/1999 implementing the law of 30/4/1999 on the employment of foreign workers

- Data categories pertaining to the worker who has arrived in Belgium to follow a training course lasting less than or equal to 3 calendar months:
 - Identification information (surname, first name, date of birth)
 - Nationality
 - Information on the qualification
 - Information on the company organising the training and the employer abroad (name and address)
 - Information on the training contract (start date and end date)

3) Notice of arrival in Belgium of a foreign post-doctoral student pursuant to article 2, 25° of the Royal Decree of 9/6/1999 implementing the law of 30/4/1999 on the employment of foreign workers

- Information categories pertaining to the foreign post-doctoral student
 - Identification information (surname, first name, date of birth)
 - Nationality
 - Information on the qualification
 - Information on the university (name and address)
 - Information on the post-doctoral student (start date and end date)

4) Notice of arrival in Belgium of an executive or member of the management staff employed by a head office on condition that the amount of their annual remuneration exceeds the amount indicated in article 69 of the law of 3/7/1978, calculated and adapted in accordance with article 131 of the same law (pursuant to article 2,33° of the R.D. of 9/6/1999 implementing the law of 30/4/1999 on the employment of foreign workers)

- Data categories pertaining to the executive or management staff:
 - Identification information (surname, first name, date of birth)
 - Nationality
 - Information on the function
 - Information on the company (address)
 - Information on the employment contract (start date and end date)

5) Application for authorisation to employ a young au pair

- Data categories pertaining to the young au pair or the employer
 - Identification and contact information (surname, first name, date and place of birth)
 - National Register number, gender and nationality
 - Information on current domicile
 - Information on education
 - Information on the placement contract
 - Extract from the employer's criminal record (if the form is submitted by a proxy)
 - Household composition of the employer

6) Medical certificate for the worker of foreign nationality

- Data categories pertaining to the worker of foreign nationality
 - Identification information (surname, first name, date and place of birth)
 - Nationality
 - Information on current domicile

- Dated statement that there is no indication that his/her health condition will render him/her unfit for work in the near future

7) Employment contract for foreign worker

- Data categories relating to employment contract for foreign worker
 - Identification and contact information (surname, first name, date and place of birth)
 - National Register number, gender, nationality and civil status
 - Information on current domicile
 - Information on the employer and workplace
 - Information on the work arrangement and contract duration
 - Information on the function and the qualification

The data for boxes 1) to 7) come from the applicant employer or the applicant proxy (source not publicly available).

5. AUTOMATED INDIVIDUAL DECISION MAKING

This processing of personal data does not produce, with respect to the data subject, any decision based exclusively on automatic processing, including profiling, producing legal effects concerning the data subject or which significantly affects them in a similar way. The right conferred on the data subject by Article 22 of the GDPR therefore does not apply to this processing operation.

6. RECIPIENTS OF PERSONAL DATA AND TRANSFERS

The following recipients may receive communication of some or all of the personal data, depending on their role in the processing of the data:

- Within Brussels Economy and Employment, the officials of the Directorate for Economic Migration (Employment Department) in charge of managing cases, as well as the inspectors of the Regional Employment Inspection Directorate (Employment Department)
- Regional authorities in charge of managing work permits: data exchange
 - The Economic Migration Service of the Department of Work and Social Economy of the Flemish Ministry - Ellipse Building - Koning Albert II-laan 35 bus 20, 1030 Brussels
 - Public Service of Wallonia – DG Economy, Employment and Research - Place de la Wallonie, 1 - 5100 Jambes
 - Ministerium der Deutschsprachigen Gemeinschaft - Gospertstraße 1 - 4700 Eupen
- Atos Belgium – Da Vincilaan 5 - 1930 Zaventem: maintenance of the Caduceus application
- BRIC – Avenue des Arts 21 – 1000 Brussels: hosting of the Caduceus application
- Belgian diplomatic and consular missions abroad: processing of the application
- Belgian municipality where the worker is domiciled or the head office of the employer or proxy: identification and residency check

Personal data are not transferred to a third country or to an international organisation.

7. RETENTION PERIOD OF THE PERSONAL DATA

The maximum retention period for processed personal data is ten years in accordance with Article 2262bis of the Civil Code, which stipulates that (translated) "all personal actions are prescribed for ten years".

8. RIGHTS OF THE DATA SUBJECT

8.1. Rights referred to in Chapter III of the GDPR

The data subject of this processing of personal data may exercise the following rights:

- The right to request access, rectification or erasure of their personal data (Articles 15, 16 and 17 of the GDPR).
- The right to request a restriction of the processing (Article 18 of the GDPR).
- The right to object to the processing (Article 21 of the GDPR).

To do this, they can:

- Submit a request via the form <https://mes-droits-rgpd.servicepublic.brussels>.
- Send a written request, dated, signed and accompanied by a copy of a valid identity document (identity card or passport).

Brussels Economy and Employment (Brussels Regional Public Service)
Economy Unit
Place Saint Lazare 2 - 1035 Brussels

This processing of personal data is subject to legal restrictions applicable to the rights of data subjects pursuant to the Ordinance of 29 October 2020 implementing the exceptions provided for in Article 23 of 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, and repealing 95/46/EC (General Data Protection Regulation).

As such, in Article 4, the Ordinance stipulates that the right to information may be delayed, limited or excluded in the case of processing of personal data for the purpose of preparing, organising, managing and following up monitoring, inspection or regulatory tasks, even if occasionally linked to the exercise of public authority, including procedures relating to the possible application of an administrative fine or penalty by the competent services with a view to guaranteeing objectives of public interest of the Union or the Brussels-Capital Region, in particular an important economic or financial interest, including in the monetary, budgetary and taxation fields, public health and social security, or any purpose defined by ordinance.

8.2. Right to lodge a complaint with a supervisory authority

Every data subject shall have the right to lodge a complaint with a supervisory authority if they consider that the processing of personal data relating to him or her infringes the GDPR (Article 77 GDPR).

In Belgium, the competent supervisory authority is:

Data Protection Authority
Rue de la presse 35 - 1000 Brussels
<https://www.dataprotectionauthority.be/citizen>

9. FURTHER PROCESSING OF PERSONAL DATA

The controller does not intend to further process personal data for a purpose other than that for which the data are collected.