

## Information to employees with reduced work capacity concerned by a request for reimbursement of salary costs

### 1. Data controller

The National Employment Agency (*Agence pour le développement de l'emploi*, hereafter "**ADEM**" or "**we**") acts as the data controller of your personal data in the context of the reimbursement of salary costs procedure.

- **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 ; email : [info@adem.etat.lu](mailto:info@adem.etat.lu)
- **Contact details of our DPO** : If you have any questions about the processing of your personal data by ADEM or if you wish to exercise your rights under the GDPR, you can contact ADEM's Data Protection Officer (DPO) via:
  - email: [info.rgpd@adem.etat.lu](mailto:info.rgpd@adem.etat.lu) ;
  - post: ADEM, Data Protection Officer (DPO), BP 2208, L-1022 Luxembourg.

### 2. Purposes and legal basis of the processing

ADEM collects your personal data in order to process your employer's application for reimbursement of salary costs. We also use your data:

- for statistical and archiving purposes in the public interest ;
- if necessary, for 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 ;
- if necessary, for dealing with complaints addressed to ADEM and ensuring the defence of our rights and legitimate interests in legal proceedings.

According to Article L. 551-7 of the Labour Code, ADEM allocates, at their request, to employers in the private and municipal sectors as well as to public institutions, a contribution to the salary of an employee who is being redeployed internally or externally and who presents a loss of work performance. 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.

The processing of health-related data is necessary 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) and for the assessment of your working capacity (Article 9, paragraph 2, h) of the GDPR).

### 3. Categories of data processed and their source

We process the following categories of data:

- **Identification and contact data** (e.g. surname, first name, social security number, address) ;
- Your **employment details** (such as position held, date of employment, current gross salary, place of work, employment contract, social security affiliation);
- **Health data** (such as medical aptitude form for the new job, work capacity, medical restrictions, loss of work performance, work incapacity);
- **Data relating to your administrative file with ADEM** (such as redeployment decision, existence of a claim for compensatory indemnity, date of the next planned re-evaluation, existence of ongoing subsidies linked to the status of disabled employee).

As part of the procedure, you may undergo : i) a medical examination with ADEM's medical staff, who will draw up an assessment of your deficits and residual capacities, and ii) an analysis carried out by one of our agents to assess the loss of your work performance.

We obtain data about you from your employer, but we also check our own files, the National Registry of Natural Persons (with regard to your identification and contact data) and the Joint Social Security Centre (with regard to your social security affiliation).

### 4. Categories of recipients of the processed data

Your data is accessible to ADEM staff in charge of the file. They are recorded in the information system of the Government IT Centre (CTIE), which acts as our IT processor.

In addition, in order to process your employer's request, your data may be communicated to the Guidance and Occupational Reclassification Committee (*Commission d'Orientation et Reclassement professionnel*), Ministry of Labour, Employment and the Social and Solidarity Economy and the Ministry of Finance. In the event of a legal action, your data may be communicated to the judicial authorities.

### 5. Retention period

We will keep your data for the period necessary to achieve the above-mentioned purposes, taking into account our legal obligations in terms of document retention and archiving.

### 6. Your rights

You may access your data and obtain a copy (Article 15 of the GDPR), obtain the rectification of inaccurate or incomplete data (Article 16 of the GDPR), object to the processing of your data (Article 21 of the GDPR), obtain the deletion of your data under the conditions set out in Article 17 of the GDPR and the restriction of processing under the conditions set out in Article 18 of the GDPR.

For any question concerning the processing of your personal data by ADEM, and for any request relating to the exercise of your rights, you may contact ADEM's DPO in the manner specified in section 1 above.

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/>.

- **For more information about how ADEM processes personal data**, you can read our privacy policy in the "Data Protection" section of our website <https://adem.public.lu/en/support/protection-des-donnees/politique-de-confidentialite.html> (available in English, French and German).