

Opinion on the notification for prior checking received from the Data Protection Officer of the European Ombudsman regarding the "Certification procedure" dossier

Brussels, 24 October 2007 (Case 2007-414)

1. Procedure

On 19 June 2007 the Data Protection Officer (DPO) of the European Ombudsman submitted a notification under Article 27(3) of Regulation (EC) No 45/2001, concerning the "Certification procedure" dossier. An annex on the subject was enclosed with his letter.

The EDPS asked for further information on 20 July 2007. A response was received on 21 September 2007. On 12 October 2007 the draft opinion was sent to the DPO for comments, which were provided on 18 October 2007.

2. The facts

The European Ombudsman, like the other institutions and bodies, organises a procedure to select officials to be authorised to participate in training in the framework of the certification procedure, under Article 45a of the Staff Regulations of Officials of the European Communities (hereinafter "the Staff Regulations").

In this case, the certification procedure was set up in 2005 and began with the 2006 exercise. The procedure has been organised annually since. The aim of the processing is to select officials from the AST function group, from grade 5 and up, to be authorised to participate in training in the certification procedure framework, which will give them the possibility of being appointed to a post in the same grade in the AD function group. The selection procedure for officials authorised to follow this programme is governed by the European Ombudsman's decision of 21 July 2005 (hereinafter "the decision").

The procedure consists of the following six stages:

1. determination by the Appointing Authority of the number of officials to be authorised to take part in the training programme, and publication of a call for applications;
2. assessment by the Appointing Authority of the admissibility of the applications;
3. establishment by the Appointing Authority of the list of officials selected to take part in the training programme;

4. participation in the training programme organised by the European Administrative School (EAS);
5. organisation of written and oral tests and the establishment by the European Personnel Selection Office (EPSO) of a list of officials who have passed those tests, confirming that they have successfully followed the training programme;
6. publication by the Appointing Authority of the list of officials who have passed the tests.

2.1. Applications

Every year, after consultation of the joint committee provided for in Article 10 of the Ombudsman's decision, the Appointing Authority determines the number of officials to be authorised to take part in the training programme referred to in Article 45a(1) of the Staff Regulations. In so doing it takes account of the restriction laid down in Article 45a(4).

Following this decision, the Appointing Authority publishes a call for applications.

Officials may apply for certification who are in function group AST, from grade 5 and above, who have been appointed to an established post in the European Ombudsman's Office in accordance with Article 1a of the Staff Regulations and who, on the date of publication of the call for applications, hold one of the following types of administrative status referred to in Article 35 of the Staff Regulations: active employment, secondment in the interests of the service, parental leave or family leave.

However, the following may not apply: officials who are to be automatically retired under Article 52 of the Staff Regulations during the year concerned or the following year; those in respect of whom a decision has been taken that their service should be terminated pursuant to Article 47 of the Staff Regulations; those who have been granted an invalidity allowance in application of Article 78 of the Staff Regulations.

2.2. Admissibility of applications

Applications from the officials referred to in Article 3(2) of the Ombudsman's decision will be deemed admissible if the officials concerned satisfy both of the following conditions:

- (a) Three of the last five annual staff reports must certify that the official concerned has the potential required to carry out the duties of administrator.
- (b) The official concerned must have at least four years' seniority in function group AST. The minimum period of seniority must have been acquired by 31 December of the year preceding the year during which the certification procedure is launched. Account is to be taken of seniority acquired as a temporary staff member, provided that there has been no interruption between the periods of employment in that capacity and the periods of employment as an official.

It should be pointed out that, since the certification procedure is fairly new, it is currently in a transitional phase. That is why account is taken of three staff reports out of five at present. Article 11 of the Ombudsman's decision also contains a transitional provision on this point, as no provision was made in the past for assessing the potential required to carry out an

administrator's duties in staff reports. After the transitional phase, it is intended that only the three most recent staff reports will be used.

2.3. Drawing up of the list of officials selected to take part in the training programme

Officials whose applications have been deemed admissible will be listed in accordance with a ranking established on the basis of the following criteria:

- (a) the evaluations in the annual staff reports referred to in Article 4(1)(a) of the decision;
- (b) the level of education and training;
- (c) if particular needs have been identified in certain areas, professional experience within the institutions and professional training in those areas.

The precise content, value and weighting of the above criteria are determined by the Appointing Authority before publication of the call for applications referred to in Article 3 of the decision and after consultation of the joint committee mentioned in Article 10. Such information is notified to staff.

The Appointing Authority establishes and publishes a draft list of officials selected to take part in the training programme. This draft list consists of officials taken from the top of the ranking, until the number of officials to be authorised to follow the training programme is reached. The Appointing Authority notifies the officials concerned.

2.4. Appeal procedures concerning the list of selected officials

Within ten working days from publication of the list, officials who have submitted applications may appeal to the joint committee provided for in Article 10 of the decision. The appeal must state grounds and be accompanied by all relevant supporting documents and information.

The committee issues a reasoned opinion on any disputes within 20 working days of the appeal. It may hear any officials who have lodged appeals, and representatives of the Appointing Authority. The opinion delivered by the committee on each appeal is forwarded to the official concerned.

The Appointing Authority adopts and publishes the definitive list of officials authorised to take part in the training programme, after consulting the committee.

2.5. Participation in the training programme organised by the EAS (European Administrative School)

Under Article 2(2) of the Staff Regulations, the power to define and organise the training programme has been entrusted to the EAS¹.

The training programme (as planned for the 2006 certification procedure) is spread over a period of seven to nine months and involves some 300 hours of classes. The training is made up of two types of module: common modules and specific modules. The common block is made up of four modules (analysis, communication, organisation and budget). In addition, participants follow a specific module of their choice. Currently, seven specific modules are on

¹ In accordance with Decision 2005/119/EC of 26 January 2005 (OJ L 37, 10.2.2005, p. 17).

offer. The choice of the specific module is made after the selection phase, by those applicants who have been selected to take part in the training programme.

2.6. Tests

Under Article 2(2) of the Staff Regulations, the power to organise the written and oral tests and to draw up the list of officials who have passed the tests has been entrusted to EPSO and to the EAS. The content of the written and oral tests is determined by EPSO.

Only officials whom the EAS certifies as having attended the training programme are authorised to sit the tests. Officials certified by the EAS as having followed the training programme but who are not on the list of officials having passed the tests are authorised to resit the tests in subsequent years, on a maximum of two occasions.

2.7. Drawing up and publication of the list of officials selected

The Appointing Authority publishes the list of officials who have passed the tests, as drawn up by EPSO.

2.8. Other provisions

Officials appearing on the list of officials who have passed the tests may apply for vacant posts in the AD function group corresponding to their grade, in accordance with the terms of Article 29(1)(a)(ii) and Article 29(1)(b) of the Staff Regulations.

The Appointing Authority ensures that, in accordance with Article 45a of the Staff Regulations, the number of officials who have been successful in the certification procedure and who are appointed to posts in the AD function group does not exceed 20% of the total number of appointments made each year in that function group.

2.9. Other information from the notification

The stages of the procedure have been harmonised across the institutions. Given the possibilities for interinstitutional transfer of officials who have received certification, all the institutions have adopted similar general implementing provisions. The board for the tests organised by EPSO is therefore interinstitutional in composition, to ensure that certified status is of equal value regardless of the institution of origin of the official concerned.

Processing is essentially manual and done on paper. For each certification procedure, the Administration Sector creates an Excel table containing information intended to facilitate correspondence with applicants (address, date on which documents are sent, etc.).

Data subjects: officials from the AST function group of grade 5 and above, with at least four years' seniority, who have been appointed to an established post in the European Ombudsman's Office and meet the criteria set out in Articles 3 and 4 of the Ombudsman's decision of 21 July 2005.

Categories of data: The data needed to select officials are:

- Information on the identity, training, professional experience and language knowledge of the official.
- Staff reports on the official for the last three reporting exercises.
- Information on the posts held by the official and a description of his tasks.

- Information on seniority and the career path of the official.

This information is provided by the official with his application. If the official does not have the full information required, he may ask the Administration to provide copies of the documents needed to complete his application.

Information to be given to the data subject: The Ombudsman's decision of 21 July 2005 informs applicants as to the procedure. It is published on the Ombudsman's intranet site and is accessible to all staff. A call for expressions of interest (when the Ombudsman's staff includes potential candidates) is published every year. It contains the selection criteria, and is sent to all staff of the Ombudsman's Office when the certification procedure is launched. The draft list of officials selected to undergo training, with indication of the date by which appeals must be made, is sent to all officials who have made an application.

The list of officials who have passed the tests organised by EPSO is sent to all the staff in the Ombudsman's Office.

The Administration Sector intends to include information about the identity of the controller, the purposes of the processing operation, the categories and origin of the data concerned, the recipients, the right of access and rectification, the legal basis of the processing operation, the time-limits for storing the data, and the right to have recourse at any time to the EDPS in a footnote on the lists published during the procedure. This information is therefore available both to officials appearing on the list, and to those who do not appear on it.

Recipients of the data: The recipients of the data are:

- the Appointing Authority;
- officials and/or other staff of the Administration Sector tasked by the Appointing Authority with examining the files with a view to establishing eligibility and, where applicable, the ranking;
- the members of the joint certification committee who may be involved if there is an appeal;
- the internal auditor.

Rights of access and rectification: Officials may request access to and correct the data contained in their applications. In principle it is not possible to add documents after the closing date for applications. If a request for rectification of the data included in the application is made after the closing date for applications, reasons must be given, and such requests must be considered on a case-by-case basis; they may not have the aim of improving an application which was not properly completed on the closing date for applications.

Documents relating to the comparative examination of the merits of officials who have applied are accessible to applicants who ask to see them, on condition that the documents have been rendered anonymous and do not allow other applicants to be identified.

Data retention: The personal data contained in the applications is destroyed two years after the list of officials definitively selected for certification has been published. This time-limit is justified by the need to be able to respond effectively to any appeals. It is also the time-limit within which officials in other institutions may make a complaint to the Ombudsman about the certification procedure.

Historical, statistical or scientific purposes: Data on the grade, seniority and sex of candidates for the certification procedure are scheduled to be used for such purposes. The statistical data will not make it possible for officials who took part in the selection procedure to be identified.

Security measures: The applications and documents relating to the procedure are kept on paper in a locked cupboard by the Administration Sector personnel team.

3. Legal aspects

3.1. Prior checking

The notification received by e-mail on 19 June 2007 relates to processing of personal data ("any information relating to an identified or identifiable natural person" – Article 2(a)). The data processing in question is carried out by a Community institution in the exercise of activities which fall within the scope of Community law (Article 3(1)). The processing of the certification procedure is manual, within a structured whole. Article 3(2) therefore applies. Consequently, such processing falls within the scope of Regulation (EC) No 45/2001.

The EDPS is not here performing a prior check of the stage during which the EAS and EPSO are involved. That stage is the subject of a separate notification for prior checking².

Article 27(1) of Regulation (EC) No 45/2001 makes processing operations likely to present specific risks to the rights and freedoms of data subjects subject to prior checking by the EDPS. Article 27(2) contains a list of processing operations that are likely to present such risks. Article 27(2)(b) specifies the following as operations which may present such risks: "processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct." The certification procedure for officials on the Ombudsman's staff is a personal data processing operation for evaluation purposes and is therefore covered by Article 27(2)(b) and subject to prior checking by the EDPS.

This selection process (the evaluation of ability to change to another function group), while based on existing staff reports, is an evaluation in its own right. It is also based on other criteria: officials' training and education, as well as the needs of the service and professional experience acquired in service.

The Ombudsman's decision of 21 July 2005 adopting general implementing provisions relating to Article 45 of the Staff Regulations entered into force on the day following its adoption. Data processing began with the 2006 certification exercise. The present prior check is therefore subsequent to the processing. It is thus an ex post prior check. The EDPS stresses that, under Article 27 of Regulation (EC) No 45/2001, the Union's institutions and bodies must submit notifications relating to processing operations such as that under review here, and must preferably do so before processing begins.

The notification was received on 19 June 2007. Under Article 27(4), this opinion had to be delivered within the following two months. The EDPS asked for further information on 20 July 2007. A response was received on 21 September 2007. On 12 October 2007 the procedure was suspended for six days to allow the DPO and the controller to comment. The EDPS will therefore deliver his opinion by 26 October 2007 (2 months + the month of August + 32 days' suspension + 6 days for comments).

² File 2006-0396 (Activities of the European Administrative School and EPSO in the context of the certification procedure), under examination by the EDPS.

3.2. Lawfulness of the processing operation

The lawfulness of the processing operation must be examined in the light of Article 5(a) of Regulation (EC) No 45/2001, which provides that processing must be "necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities (...) or in the legitimate exercise of official authority vested in the Community institution".

The certification procedure, which involves the collection and processing of personal data on officials, comes within the legitimate exercise of official authority vested in the institution.

The legal basis for the data processing concerned lies in Article 45a of the Staff Regulations (certification procedure) and in the Ombudsman's decision of 21 July 2005 adopting general implementing provisions in relation to Article 45a of the Staff Regulations. The legal basis is sufficiently clear and raises no particular questions.

The legal basis complies with the Regulation and supports the lawfulness of the processing.

3.3. Data quality

Under Article 4(1)(c) of Regulation (EC) No 45/2001, data must be "adequate, relevant and not excessive". The processed data described in point 2.9 of this opinion should be regarded as satisfying these conditions. The data required are administrative in nature and necessary to appraise the work of officials. The EDPS acknowledges that the relevance and proportionality of data assessing the data subject are more difficult to establish. In this context, the EDPS welcomes the fact that the Ombudsman has established precise priority criteria and weightings in the presentation of the call for applications. Article 4(1)(c) of Regulation (EC) No 45/2001 thus seems to be duly complied with in this respect.

Regarding the publication of the list of officials authorised to participate in the training programme and the list of officials who have passed the tests, the EDPS finds that Article 4(1)(c) of Regulation (EC) No 45/2001 has been complied with, since those lists do not contain any data which are not directly connected with identifying the official or other staff member.

Under Article 4(1)(a) of Regulation (EC) No 45/2001, the data must also be "processed fairly and lawfully". The lawfulness of the processing has already been discussed (see point 3.2 above). The issue of fairness is linked to the information which must be transmitted to the data subject (see point 3.9 below).

Finally, the data must be "accurate and, where necessary, kept up-to-date; every reasonable step must be taken to ensure that data which are inaccurate or incomplete, having regard to the purposes for which they were collected or for which they are further processed, are erased or rectified" (Article 4(1)(d) of the Regulation). The procedure itself must ensure that data are accurate. In the case under review here, the system requires candidates to submit most of the documents necessary for the Appointing Authority to take its decision. Officials may request access to and correct the data contained in their applications. In this instance, the system provides for access and rectification and therefore seems to guarantee data accuracy.

An appeals procedure is provided for in the framework of the certification procedure established by the Ombudsman (decision of 21 July 2005). Officials who have submitted

applications but whose names are not on the draft list of officials selected to take part in the training programme may, within a period of ten working days following that communication, submit a duly substantiated appeal to the joint committee established by Article 10 of the decision.

The EDPS would request that appeals by candidates and the joint committee's opinion(s) on those appeals be attached to the files of the data subjects, so as to ensure that the files are complete, in accordance with Article 4(1) of Regulation (EC) No 45/2001.

The rights of access and rectification represent the second means of guaranteeing the quality of the data (see point 3.8 below on rights of access and rectification).

3.4. Data retention

Article 4(1)(e) of Regulation (EC) No 45/2001 states the principle that data must be "kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected or for which they are further processed".

According to the notification, it is planned that documents will be kept for two years and that the data will then be destroyed. In the Ombudsman's view, this time-limit is justified by the need to be able to respond effectively to any appeals. It is also the time-limit within which officials in other institutions may make a complaint to the Ombudsman regarding the certification procedure. The EDPS considers that this period is proportional to the fulfilment of the purposes of the processing operation. No purpose is served by keeping the files on unsuccessful applicants for more than a few years. Except for the routine data (surname, first name, etc.), the data relevant for evaluation will have changed. In the case of candidates who have passed the test, a list is published and an individual communication is sent by the EAS granting them certified status.

The certification file of successful applicants will be added to their personal file. This is made effective by the decision of the Appointing Authority appointing the data subject to a post in the new AD category at the time when the appointment takes place. In this case, Article 26 of the Staff Regulations applies, in particular: "An official shall have the right, even after leaving the service, to acquaint himself with all the documents in his file and to take copies of them."

Data are thus stored for a long period not specified in the notification. The EDPS considers that a period during which data may be stored needs to be set. In similar cases, the EDPS has found it reasonable to set the data storage period at 10 years, starting from the time when the staff member leaves or the last pension payment³. The EDPS also considers that data of a purely informative nature no longer necessary for administrative reasons can be disposed of after a minimum retention period of 5 years.

Furthermore, long-term retention of data must be accompanied by appropriate safeguards. The data stored are personal. The fact that they are archived for long-term storage does not divest them of their personal nature. For that reason, data kept over a long period must be covered by adequate measures for transmission and storage, as with any other personal data.

³ Prior check 2006-109, Certification procedure, Court of Auditors, Prior check 2006-45, Certification procedure, Council of the European Union, Prior check 2007-168, Certification procedure, European Parliament and Prior check 2007-434, Certification procedure, Court of Justice.

Statistics may be drawn up to facilitate preparation for subsequent exercises. The purpose is to estimate the possible number of applicants in future years. Given the institution's small size, and the consequently small number of people concerned by certification, it may be possible to identify the officials and other staff in question, even after the data have been aggregated. However, the EDPS recognises the need to keep this type of data. Moreover, with the passage of time it will become more and more difficult to identify the persons concerned. The EDPS considers that Article 4(1)(e) of the Regulation is complied with.

3.5. Change of purpose/Compatible use

Data are retrieved from or entered into the staff databases. The processing operation under review involves no general change to the stated purpose of staff databases, of which the certification procedure is only one aspect. Accordingly, Article 6(1) of Regulation (EC) No 45/2001 is not applicable to the case in point, and Article 4(1)(b) of the Regulation is complied with, given that the purposes are compatible.

3.6. Transfer of data

The processing operation should also be scrutinised in the light of Article 7(1) of Regulation (EC) No 45/2001. The processing covered by Article 7(1) is the transfer of personal data within or to other Community institutions or bodies "if the data are necessary for the legitimate performance of tasks covered by the competence of the recipient".

In this case, the data are for circulation among various departments within the Ombudsman's Office. Personal data may be transferred within an institution only if they are necessary for the legitimate performance of tasks covered by the competence of the recipient. Transfer to the Administration Sector, the Appointing Authority, the appropriate joint committee and the internal auditor is in accordance with the legitimate performance of the tasks of those involved. Transfer to all the Ombudsman's staff of the list of officials authorised to participate in the training programme and of the list of officials who have passed the tests enable the Ombudsman to conduct the certification procedure in a completely transparent manner.

Moreover, data relating to officials authorised to follow training are forwarded to the European Administrative School, which is attached to EPSO. At the end of the training course, EPSO forwards to the Appointing Authority data concerning officials who have successfully completed the training programme. Finally, the European Union Civil Service Tribunal may receive these files in the context of a legal action. In this case such transfers are legitimate, since they are necessary for the legitimate performance of the tasks covered by the competence of the recipient.

Article 7(1) of Regulation (EC) No 45/2001 has been complied with in this case.

Finally, Article 7(3) of Regulation (EC) No 45/2001 provides that "the recipient shall process the personal data only for the purposes for which they were transmitted". There must be an explicit guarantee that no-one receiving and processing data in the context of the certification procedure can use them for other purposes. The European Data Protection Supervisor would like the Ombudsman to pay particular attention to the fact that personal data should be processed strictly in the context of certification.

3.7. Processing including the personnel or identifying number

The Ombudsman uses the personnel number for processing operations relating to the certification procedure. This number is then communicated to the European Administrative School. The use of the personal number allows interconnection of data processed in different contexts. The point here is not to establish the conditions under which the Ombudsman may process the personnel number (Article 10(6) of Regulation (EC) 45/2001), but rather to emphasise that attention must be paid to that provision of the Regulation. In the case in point, the use of the personnel number is reasonable as it is used for the purposes of identifying the data subject and keeping track of the file. The EDPS considers that this number may be used in the context of the certification procedure.

3.8. Rights of access and rectification

Article 13 of Regulation (EC) No 45/2001 establishes a right of access upon request by the data subject, and lays down the arrangements for exercising it. In the case in point, data subjects have access to their evaluation files so that they can complete all the sections required for the procedure to take its course.

Documents relating to the comparative examination of the merits of officials who have applied are accessible to applicants who ask to see them, on condition that the document does not allow other applicants to be identified. This condition is based on the restriction laid down in Article 20(1)(c) of the Regulation, namely the protection of the rights of others, which here covers the other officials and staff concerned by the certification procedure. Article 20(1)(c) states that "the Community institutions and bodies may restrict the application of (...) Articles 13 to 17 (...) where such a restriction constitutes a necessary measure to safeguard ... the protection of the data subject or of the rights and freedoms of others".

It is also difficult to verify the accuracy of the data in question since they are the result of a subjective evaluation of the person concerned.

Article 14 of Regulation (EC) No 45/2001 provides the data subject with a right of rectification. In the case in point, the data subject has access to his personal file so that he can point out any factual errors or omissions which can then be rectified before the Appointing Authority's draft list is drawn up. In principle it is not possible to add documents after the closing date for applications. If a request for rectification of the data included in the application is made after the closing date for applications, reasons must be given, and such requests must be considered on a case-by-case basis; they may not have the aim of improving an application which was not properly completed on the closing date for applications. This condition is justified since fair competition between the applicants must be ensured, according to Article 20(1)(c) ("necessary measure to safeguard ... the protection (...) of the rights and freedoms of others").

It must therefore be concluded that Articles 13 and 14 of the Regulation are complied with.

3.9. Information to be given to the data subject

Articles 11 and 12 of Regulation (EC) No 45/2001 relate to the information to be given to data subjects in order to ensure transparency in the processing of personal data. These articles list a series of compulsory and optional items. The optional items are applicable insofar as, having regard to the specific circumstances of the processing operation, they are required to

guarantee fair processing in respect of the data subject. In the present case, some of the data are collected directly from the data subject and others from other persons.

The provisions of Article 11 (Information to be supplied where the data have been obtained from the data subject) on information to be given to the data subject apply in this case. Insofar as the official provides the data required on his/her own behalf, the data subject himself or herself provides the data.

The provisions of Article 12 (Information to be supplied where the data have not been obtained from the data subject) on information to be given to the data subject also apply in this case since such information is obtained from the various parties involved in the process (Appointing Authority, Administration Sector, joint committee).

As regards the procedure, the provision of information to data subjects is ensured in this case by means of the Ombudsman's decision of 21 July 2005. It is published on the Ombudsman's intranet site and is accessible to all staff. A call for expressions of interest (where the Ombudsman's staff includes potential candidates) is published every year. It contains the selection criteria, and is sent to all staff of the Ombudsman's Office when the certification procedure is launched. According to the information provided in the notification, that document does not contain any information concerning the protection of personal data. The Administration Sector intends to include information about the identity of the controller, the purposes of the processing operation, the categories and origin of the data concerned, the recipients, the right of access and rectification, the legal basis of the processing operation, the time-limits for storing the data, and the right to have recourse at any time to the EDPS in a footnote on the lists published during the procedure. This information would therefore be available both to officials appearing on the list, and to those who do not appear on it.

However, Regulation (EC) No 45/2001 stipulates that data subjects must be provided with information when data are collected or, if the data are not collected from the data subject, when the data are recorded. The EDPS therefore recommends that this information be included in the various documents which provide information on the certification procedure, particularly in the call for applicants.

3.10. Security

In accordance with Article 22 of Regulation (EC) No 45/2001 on the security of processing, the controller is to implement "appropriate technical and organisational measures to ensure a level of security appropriate to the risks represented by the processing and the nature of the personal data to be protected".

The organisational and technical measures are taken to ensure an optimum level of security for the processing operation. The applications and documents relating to the procedure are kept on paper in a locked cupboard by the Administration Sector personnel team.

Having examined all of these measures, the EDPS considers that they are appropriate for the purposes of Article 22 of Regulation (EC) No 45/2001.

Conclusion

The proposed processing operation does not seem to involve any breach of the provisions of Regulation (EC) No 45/2001, provided that account is taken of the observations made above. This means in particular that the Ombudsman should:

- decide, and inform staff, that the period for which data relating to the candidates selected may be stored in the individual file does not end until 10 years after the date on which the member of staff or his legal successors are entitled to claim pension rights or the date of the last pension payment;
- in the context of long-term storage, establish adequate measures for the transmission and storage of personal data, and for the provision of information to data subjects;
- add to the files of data subjects the duly justified appeals by candidates not included on the list of admissible candidates and on the definitive list, and the opinions of the certification committee on those appeals;
- inform data subjects of the identity of the data controller, the purposes of the processing operation, the categories and origin of the data concerned, the recipients, whether replies to the questions are obligatory or voluntary as well as the possible consequences of failure to reply, the existence of a right of access and rectification, the legal basis of the processing operation, the time-limits for storing the data, and the right to have recourse to the EDPS at any time. This information must be provided when the data are collected or, where appropriate, when data which have not been collected directly from the person concerned are recorded.

Done at Brussels, 24 October 2007

(signed)

Peter HUSTINX
European Data Protection Supervisor