



Opinion on the notification for prior checking from the Data Protection Officer of the European Monitoring Centre for Drugs and Drug Addiction concerning the Staff Recruitment

Brussels, 20 June 2008 (case 2008-157)

1. Proceedings

On 10 March 2008, the European Data Protection Supervisor (**EDPS**) received from the Data Protection Officer (**DPO**) of the European Monitoring Centre for Drugs and Drug Addiction (**EMCDDA**) a notification for prior checking relating to the processing of personal data for the purpose of staff recruitment. The notification was accompanied a Privacy Statement.

On 30 April 2008, the EDPS sent a request for additional information to the DPO. The partial reply provided on 5 May 2008 was accompanied by a document entitled "Information System Security Policy (v.2.05)". A second information request was sent on 7 May 2008. The reply provided on 16 May 2008 was accompanied by the following two documents:

- "Guidelines on recruitment at the EMCDDA" and
- "Service-Level Agreement between the EPSO and Regulatory Agencies".

The draft opinion was sent to the DPO for comments on 23 May 2008. On 18 June 2008, the EMCDDA DPO informed the EDPS that they have no comments on the draft.

2. Facts

The purpose of the processing in question is to fulfil EMCDDA vacant positions by recruiting suitable staff, which is able to secure for the institution the services of officials or other agents of the highest standard of ability, efficiency and integrity, recruited in the broadest possible geographical basis.

Data subjects are all applicants for the posts of officials, temporary and contract agents at the EMCDDA.

The controller is the Head of the EMCDDA Administration.

Description of the selection procedures: The selection of the EMCDDA staff can be carried out either by the Centre itself or by making use of the respective EPSO reserve lists and databases¹. The limited access to the respective lists and databases (electronic reserve list - eRL - and contract agents database - CARL) is granted on a basis of the 2007 Service-Level Agreement between EPSO and Regulatory Agencies (points 5 b) and c)).

¹ The selection procedures by EPSO have already been subjected to prior checking - cf. EDPS opinion 2004-236 dated 24 February 2006 concerning officials, EDPS opinion 2005-365 dated 2 May 2006 concerning temporary staff and EDPS 2005-366 of 14 November 2006 concerning contract staff

The selection procedure carried out by the Centre itself starts with a publication of a **vacancy notice and/or a call for applications** that sets out the conditions for submission of application, eligibility, essential and advantageous requirements, the deadline for submission of applications, the date by which all successful applicants would be contacted (since only the successful applicants are informed in a personalised way about the outcome of the selection - cf. below), as well as the validity of the reserve list.

The **conditions for submission of applications** (admissibility requirements) are the following (point 5.a.i. of the Guidelines):

- inclusion of all documents required (application form, Europass CV, motivation letter);
- compliance with the closing date for applications;
- compliance with the procedure for submission (e-mail or fax + original submitted by mail or delivery).

The **eligibility requirements** are the following (point 5.a.ii. of the Guidelines):

- certain level of education;
- nationality of one of the EU Member States or a country that has signed an agreement with the EMCDDA;
- compliance with any obligations imposed by the applicable laws concerning military service;
- appropriate character references as to the suitability for the performance of the required duties (e.g. certificate of good conduct issued by the police of the country of the applicant which has to be provided in case a post is offered);
- physical fitness to perform the duties (declaration, agreement to undergo a pre-employment medical check at a later stage);
- thorough knowledge of one of the official languages of the EU and satisfactory knowledge of another of these languages to the extent necessary for the performance of the required duties;
- be an official of the EU institutions or agencies in the grade covered by the vacancy notice (only for transfers pursuant Article 29 of Staff Regulations).

(The essential and advantageous requirements are set out in terms of the particular job profile.)

The **applications** consisting of the following documents:

- duly filled and signed application form;
- Europass CV;
- motivation letter

are registered by the HR staff in an Excel database accessible only to the HR staff.

The **application form** contains a list of yes/no questions about compliance (or not) with the eligibility, essential and advantageous requirements as outlined in the respective vacancy notice and/or call for applications. In terms of eligibility requirements, the applicants are required to declare that they possess a certain level of education; are nationals of one of the EU Member States or a country that has signed an agreement with the EMCDDA; have fulfilled obligations imposed by the applicable laws concerning military service; are physically fit to perform the duties and agree to pass a pre-recruitment medical visit², possess a thorough knowledge of one of the official languages of the EU, as well as

² the pre-employment medical exams at EMCDDA were already subject to prior checking - cf. EDPS opinion 2007-223 issued on 13 September 2007

satisfactory knowledge of another of these languages to the extent necessary for the performance of the required duties.

In addition, they are required to authorise the EMCDDA to contact their previous employers (excluding the current one) to provide character references as to the suitability for the performance of the required duties, as well as propose three references (contact details) to that aim so that in case of a post is offered, these character references can be requested.

The first phase of the selection procedure consists of **selection on files (pre-selection)** by a **Selection Committee** consisting of at least three members, including one from the relevant unit/service and one person designated by the Staff Committee. External members (staff of other EU institutions or agencies) may also be invited in case specific expertise is needed. All members of the Selection Committee are nominated by the Appointing Authority and/or the Authority Authorised to Conclude the Contracts on behalf of the Centre. The result of this phase is a list of applicants invited for interview.

The Human Resources Management Sector (**HRMS**) assists the Selection Committee by carrying-out the preparatory work for the pre-selection. It prepares a table where each requirement from the vacancy notice is listed. It also checks whether the applicants met the conditions for the submission of applications and the eligibility requirements.

The second phase consists of **interview and written tests**. The members of the Selection Committee fill-in and sign evaluation forms provided by the HRMS for assessment of the applicants on the basis of interviews and tests. The outcome of the second phase is a draft reserve list of applicants considered suitable to occupy the position advertised. This list is presented to the Director (Appointing Authority) for approval. On the basis of the adopted **reserve list** ("reserve list for appointment" as referred to in point 7. of the Guidelines), a post may be offered by the Director.

A valid reserve list may be used to fulfil **similar** positions within the EMCDDA, whereby such post may be offered by the Director to an applicant in case the position available is very much related to the tasks and duties described in the vacancy notice related to the valid reserve list.

The outcome of all meetings of the Selection Committee is properly recorded in minutes signed by all its members.

The following **data categories** are being processed in connection with the recruitment procedures at EMCDDA:

- Data to identify and contact the applicant: family name, name, date of birth, gender, nationality, private address, e-mail address;
- Data demonstrating the compliance with the requirements as advertised in the vacancy notice: Europass CV, motivation letter, and if a post is offered, supporting documents. Furthermore, the applicant may indicate any individual situation regarding eligibility criteria and any other information they would like to provide to support their application.
- Information to applicants about the progress of the selection procedure.

The Privacy Statement posted on the EMCDDA website (<http://www.emcdda.europa.eu/html.cfm/index49260EN.html>) that was submitted for review contains the following **information to the data subjects**:

- identity of the controller,
- some information about the purpose of the processing,
- categories of data processed,

- possible data recipients,
- existence of rights of access and rectification,
- some information about the legal basis of the processing,
- some information about the time-limits for storage of the data,
- information about the right to have a recourse to the EDPS.

In addition, information about the purpose of the processing is provided also in the respective vacancy notice and/or call for applications.

As to information about the outcome of the selection procedure, only successful applicants are informed in a personalised way before a certain date stated in the vacancy notice and/or call for applications. All other applicants should consult the EMCDDA Web page (<http://www.emcdda.europa.eu/index.cfm?fuseaction=public.Content&nnodeid=29840&sLanguageiso=EN>) to follow up the progress and outcome of the procedure (status: ongoing or closed).

Rights of access and rectification: According to the information provided on 5 May 2008, access and rectification can be provided (only) with respect to the data provided by the applicants by addressing written requests to the HR Management Sector (EMCDDA-HR@emcdda.europa.eu).

Data transfers: The data processed in connection with recruitment at the EMCDDA may be disclosed to the following recipients:

- EMCDDA Director (Appointing Authority),
- HR staff dealing with recruitment / Human resources Management Sector (HRMS),
- members of the Selection Committee appointed by the Director,
- any of the supervisory instances of the EMCDDA: the Court of Auditors, the Internal Audit Service, and in case of controversy, the Civil Service Tribunal and the European Ombudsman,

Data retention: All recruitment related data are stored in the EMCDDA's files (paper and electronic) for ten years after the end of the concerned recruitment procedure for the purpose of audits and controls. After this period, only data needed to provide overall anonymous statistic on the exercise (number of eligible and non-eligible applications, total number of applications, etc.) is kept for statistical reasons.

Security measures [...].

3. Legal aspects

3.1. Prior checking

Applicability of Regulation (EC) 45/2001: The management of data contained in the applications for permanent, temporary and contractual staff posts constitutes processing of personal data ("*any information relating to an identified or identifiable natural person*" - Article 2(a) of the Regulation). The data processing is performed by a Community body in the exercise of activities which fall within the scope of Community law (Article 3(1) of the Regulation). The processing of the data contained in the applications is manual, but the data form a part of a filing system (Article 3(2) of the Regulation). Therefore, Regulation (EC) 45/2001 is applicable.

Grounds for prior checking: According to Article 27(1) of the Regulation, "*processing operations likely to present specific risks to the rights and freedoms of data subjects by virtue*

of their nature, their scope or their purpose shall be subject to prior checking by the EDPS". Article 27(2) of the Regulation contains a list of processing operations that are likely to present such risks. This list includes Article 27 (2)(b): "processing operations intended to evaluate personal aspects relating to the data subject, including his ability, efficiency and conduct".

The recruitment procedure is clearly an operation involving the processing of personal data with the aim to evaluate personal aspects of the applicants. Therefore, it is subject to prior checking by the EDPS.

Ex-post prior checking: Since prior checking is designed to address situations that are likely to present certain risks, the opinion of the EDPS should have been given prior to the start of the processing operation. In this case, however, the processing operation has already been established. In any case, this is not a serious problem in that any recommendations made by the EDPS may still be adopted accordingly.

Deadlines: The notification of the DPO was received on 10 March 2008. According to Article 27(4) of the Regulation, the EDPS opinion must be delivered within a period of two months. The procedure was suspended for a total of 42 days (16 + 26). Consequently, the present opinion must be delivered no later than on 23 June 2008 (21 June being a Saturday).

3.2. Lawfulness of the processing

Article 5 of Regulation 45/2001 provides criteria for making processing of personal data lawful. One of the criteria provided in Article 5(a) is that the *"processing is necessary for performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof or in the legitimate exercise of official authority vested in the Community institutions or body"*. The processing of personal data for performance of tasks carried out in the public interest includes *"the processing necessary for the management and functioning of those institutions and bodies"* (recital 27).

The recruitment procedure is necessary for the management and functioning of the EMCDDA.

According to Article 18 of Regulation (EC) 1920/2006 on the EMCDDA³, the Staff Regulations of officials of the European Communities, the Conditions of Employment of other servants of the European Communities (CEOS), as well as the rules adopted jointly by the institutions of the European Communities for the purposes of the application of those Staff Regulations and CEOS shall apply to the staff of the Centre.

Consequently, the legal basis for the selection of the EMCDDA staff can be found in the following provisions:

- Articles 27 - 34 of the Staff Regulations,
- Articles 12 - 15 and 82 - 84 of the CEOS,
- Guidelines on recruitment at the EMCDDA dated 19 March 2008.

This legal basis confirms the lawfulness of the processing.

³ Regulation (EC) 1920/2006 of the European Parliament and the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction (recast)

3.3. Processing of special categories of data

The recruitment procedure may involve processing of the following special categories of data:

- data concerning health (declaration of being physically fit to perform the duties, agreement to pass a pre-employment medical visit);
- data revealing racial or ethnic origin (spontaneous communication of a photograph),
- data revealing political opinions, religious or philosophical beliefs, or trade union membership (spontaneous communication of such data perceived as "social, organisational and other skills and competences" in the European CV),
- data relating to offences and criminal convictions (appropriate character references as to the suitability for the performance of the required duties, e.g. a certificate of good conduct issued by the police of the country of the applicant concerned).

Pursuant to Article 10(1) of Regulation (EC) 45/2001, *"the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and of data concerning health"* is prohibited except in specific predefined circumstances. In particular, these special categories of data can be processed in case the *"data subject has given his or her express consent"* (Article 10(2)(a) of the Regulation) or if it *"is necessary for the purposes of complying with the specific rights and obligations of the controller in the field of employment law insofar as it is authorised by the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof"* (Article 10(2)(b) of the Regulation).

The legal basis for processing of health related data for the purpose of recruitment can be found in Article 28(e) of the Staff Regulations, Articles 12(2)(d) and 82(3)(d) of the CEOS. The actual pre-employment medical checks at EMCDDA are carried out only after the applicants have been already offered a post and this procedure was already subject to prior checking (Case 2007-223). Therefore, the EDPS has no further comments in this regard.

The spontaneous communication of data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership should be considered as authorised in terms of Article 10(2)(a) of the Regulation. In fact, by communicating this non-requested data, the data subject is providing his/her consent to the processing of these special categories of data.

In addition, according to Article 10(5) of the Regulation, *"the processing of data relating to offences and criminal convictions may be carried out only if authorised by the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof"*. Legal basis for processing of such data can be found in Article 28(c) of the Staff Regulations, Articles 12(2)(c) and 82(3)(c) of the CEOS. The processing of the data consisting of appropriate character references as to the suitability for the performance of the duties is therefore in compliance with Article 10(5) of the Regulation.

3.4. Data Quality

Fairness and lawfulness: The personal data must *"be processed fairly and lawfully"* (Article 4(1)(a) of Regulation 45/2001). Lawfulness have already been discussed (see point 3.2.) and fairness will be dealt with in relation to information for data subjects (see point 3.9.).

Adequacy, relevance and proportionality: According to Article 4(1)(c) of the Regulation, the personal data must be *"adequate, relevant and not excessive to the purpose for which they are collected and further processed"*.

As indicated above, identification and other administrative data, as well as certain sensitive data are collected and evaluated for the purpose of selection of the suitable candidates by the HRMS (pre-selection) and the Selection Committee.

The EDPS welcomes the fact that at the application stage, the applicants have just to declare that they comply with the physical fitness requirement and agree to undergo a pre-employment medical check in case they are offered a post, as well as to authorise the EMCDDA to contact three of their previous employers to provide character references as to their suitability for the performance of the required duties.

In addition, the EDPS understands that the eventual supporting documents concerning the applicant's character suitability for the service (certificate of good conduct issued by the police of the country of the applicant and the character references by the previous employers) have to be provided only by applicants who are actually offered a post at the EMCDDA.

At the same time, the EDPS must express his concerns about the collection of certificates of good conduct since in certain Member States, these certificates contain information that goes beyond a record containing criminal convictions. In particular, in some Member States a certificate of good conduct may contain information about the character of an individual, his moral behaviour, etc. Whereas, it may be necessary for JRC to collect information contained in criminal records in order to filter individuals that may pose a risk to the JRC, it does not appear necessary to have the information that may be contained in a certificate of good conduct.

For this reason, the EDPS is of the view that the EMCDDA should not continue collecting certificates of good conduct. Instead, the need to know whether individuals have engaged in criminal activity should be evidenced by other means such as a criminal record.

Accuracy: Article 4(1)(d) of the Regulation provides that personal data must be *"accurate and when necessary, kept up to date"*. In addition, *"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"*. The selection procedure itself ensures that the data are accurate and kept up to date as much of the personal data supplied during the recruitment process is provided by the data subjects. In addition, the invitation to make use of the rights of access and rectification helps to ensure that the data are accurate and up to date (cf. point 3.8.).

3.5. Data retention

Article 4(1)(e) of the Regulation states that personal 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"*.

As indicated above, all recruitment related personal data are stored in the EMCDDA's files (paper and electronic) for ten years after the end of the concerned recruitment procedure for the purpose of audits and controls.

The EDPS would like to recall that according to Article 49 of the Implementing Rules to the Financial Regulation, the maximum time period during which personal data necessary for

control and audit purposes contained in supporting documents can be kept is seven years after the budgetary discharge⁴.

Furthermore, the EDPS would like to point out the need to differentiate between the three different categories of data subjects, namely the recruited applicants, the non-recruited applicants and the non-recruited applicants whose names were put on the "reserve lists for appointment".

As regards personal data of recruited applicants that are ultimately stored in their personal file, the EDPS would like to recall that in a similar case, a data retention period of ten years as of the termination of employment or as of the last pension payment was considered as reasonable⁵.

In addition to the before said, the time-limit for storage of personal data of non-recruited applicants should be set out in relation to the time-limits set out for the possible review of the decision taken in the selection procedure (complaint to the European Ombudsman, appeal with the Civil Service Tribunal). The retention period for data relating to the non-recruited applicants on the "reserve lists for appointment" is to be determined in terms of the validity and the actual extension of the respective reserve lists.

In the view of the above, the EDPS is of the opinion that the current storage periods should be adjusted accordingly.

3.6. Compatible use/ Change of purpose

Article 4(1)(b) of Regulation 45/2001 provides that personal data must be "*collected for specified, explicit and lawful purposes and not further processed in a way incompatible with those purposes*".

As indicated above, the data collected and initially processed for the purpose of one particular selection procedure may be used to fulfil similar positions within EMCDA. In fact, the valid reserve lists can be circulated by the HRMS upon request from the Director who in turn may decide to offer the respective post in case it is very much related to the tasks and duties described in the vacancy notice related to the valid reserve list. The EDPS is of the opinion that this further processing would be in line with Article 4(1)(b) of the Regulation provided that the data subjects are fully informed about this purpose (cf. point 3.8.).

3.7. Transfer of data

As indicated above, the personal data processed within the selection procedure can be transferred to the following recipients:

- Human Resources Management Sector (person(s) in charge of supporting the Selection Committee / Board),
- Members of the Selection Board / Committee (including external members coming from other EC institutions and agencies),
- Appointing Authority, Authority Authorised to Conclude Contracts on behalf of EMCDDA / Executive Director,
- European Ombudsman, Civil Service Tribunal, IAS and EDPS.

⁴ cf. EDPS Comments on the Draft Common Conservation List (CCL) dated 7 May 2007, p. 5-6

⁵ cf. the following opinions concerning evaluation of statutory personnel: EDPS 2007-406 of 3 August 2007 (European Ombudsman), EDPS 2006-297 of 19 October 2006 (ECOSOC), EDPS 2005-218 of 15 December 2005 (Commission), EDPS 2004-293 of 28 July 2005 (OHIM), EPDS 2004-281 of 4 July 2005 (ECJ)

Pursuant to Article 7 of the Regulation 45/2001, "*personal data can be transferred within or to other Community institutions or bodies if the data are necessary for the legitimate performance of the tasks covered by the competence of the recipient*" (paragraph 1) and that "*the recipient can process the data only for the purposes for which they were transmitted*" (paragraph 3).

The EDPS notes that the above referred internal transfers fall within the legitimate performance of the tasks covered by the competence of the respective recipient. In fact, these data are necessary for the accomplishment of both phases of the EMCDDA selection procedure, as well as for the performance of the respective supervisory task, including the internal audit. Consequently, Article 7(1) of the Regulation is being complied with.

However, in order to ensure the full compliance with Article 7(3) of the Regulation, the EDPS recommends that all recipients are reminded of their obligation not to use the data received for any further purposes than the one for which they were transmitted.

3.8. Right of access and rectification

According to Article 13(c) of the Regulation, the data subject has "*the right to obtain from the controller, without constraint, communication in an intelligible form of the data undergoing processing and any available information as to their source*". Article 14 of the Regulation provides the data subject with "*the right to rectify inaccurate or incomplete data*". The rights of access and rectification may be restricted in terms of Article 20(1) of the Regulation; in particular "*where such a restriction constitutes a necessary measure to (...) the protection of the rights and freedoms of others*" (point c)). In terms of the possible recruitment specific restriction of the right of access, the secrecy of the proceedings of the Selection Board in terms of Article 6 of the Annex III of the Staff Regulations should be also taken into account.

According to the information provided on 5 May 2008, access and rectification is provided only with respect to the administrative data provided by the applicants. Such requests have to be addressed in writing to the HRMS (EMCDDA-HR@emcdda.europa.eu). The work and deliberations of the Selection Committee are strictly confidential and may not be disclosed to anyone.

Similarly, the unsuccessful applicants are not provided with any personalised information about the outcome of the selection procedure (evaluation results). The only information provided on the EMCDDA webpage concerns the status of the selection procedure (ongoing or closed).

The EDPS would like to underline that - in principle - data subject shall be granted access to all his personal data processed within a particular selection procedure. In particular, data subjects should be given access to their **evaluation results** from all stages of the selection procedure (pre-selection, interview and written tests), unless the exception of Article 20(1)(c) of the Regulation as further specified in Article 6 of the Annex III to the Staff Regulations can be applied in the particular case. This exception may imply that access should not be granted nor to the comparative data concerning other applicants (comparative results), neither to the individual opinions of the members of the respective Selection Committee. Nevertheless, data subjects should be provided with aggregated results. Therefore, the EDPS requests that the current practice is modified accordingly.

The EDPS acknowledges that the right of rectification can apply only to the **factual data** processed during the respective selection procedure. In addition, he notes that no limitation to

the right of rectification in terms of deadline for possible rectification of data demonstrating compliance with the eligibility requirements is being set. In similar cases, such a limitation after the closing date for submissions of applications was considered as justified in terms of Article 20(1)(c) of the Regulation provided that the applicants were informed about it in the respective vacancy notice and/or call for applications⁶.

3.9. Information to the person concerned

In order to ensure transparency and fairness of the processing of personal data, Articles 11 and 12 of Regulation 45/2001 provide for certain information to be supplied to the data subjects. The provision of Article 11 is applicable in case *"the data have been obtained from the data subject"*, the provision of Article 12 in case the data have been obtained from another source. The data processed during the selection procedure are provided by the data subject (data contained in the applications), as well as by other subjects (evaluation data provided by the HRMS and the Selection Committee). Consequently, both Articles 11 and 12 of the Regulation are applicable.

As indicated above, certain information about the data processing carried out within the selection procedures are provided in a Privacy Statement posted on the EMCDDA website (<http://www.emcdda.europa.eu/html.cfm/index49260EN.html>). In particular, the applicants are informed about the identity of the controller, the purpose of the processing (partly), the categories of data processed, the possible data recipients, the existence of rights of access and rectification, the legal basis of the processing (partly), the time-limits for storage of the data and the right to have a recourse to the EDPS.

In order to ensure full compliance with Articles 11 and 12 of the Regulation, the EDPS requests that the following information is added to the existing Privacy Statement:

- information about the possible use of the reserve lists for recruitment for similar vacancies (purpose);
- information whether replies to the questions contained in the application form and the Europass CV are obligatory or voluntary, as well as the possible consequences of failure to reply;
- information about the Guidelines for recruitment at the EMCDDA (legal basis);
- information about the applicable time-limits for storing of data of the recruited and non-recruited applicants (once revised in light of recommendations provided in point 3.5. of this opinion).

3.10. Security measures

According to Article 22 of Regulation (EC) No 45/2001, *"the controller shall implement appropriate technical and organisational measures to ensure a level of security appropriate to the risks presented by the processing and the nature of the personal data to be protected"*. These security measures must *"in particular prevent any unauthorised disclosure or access, accidental or unlawful destruction or accidental loss, or alteration, and to prevent all other unlawful forms of processing"*.

[...]

⁶ cf. EDPS opinion 2007-566 issued on 7 January 2008 concerning recruitment of permanent, temporary and contract agents at European Maritime Safety Agency (EMSA) and EDPS opinions 2008-179 & 2008-202 issued on 29 April 2008 concerning the selection procedure of members of the Fundamental Rights Agency's Scientific Committee

On a basis of the available information, the EDPS decided not to comment on the adequacy of the applicable security measures at this stage.

4. Conclusion

There is no reason to believe that there is a breach of the provisions of Regulation 45/2001 provided the above considerations are fully taken into account. In particular, the EMCDDA should:

- replace the collection of certificates of good conduct by other means that demonstrate prior criminal behaviour (Article 4(1)(c) of the Regulation);
- adjust the current time-limits for the storage of data of recruited and non-recruited applicants in light of EDPS comments provided in point 3.5. of this opinion (Article 4(1)(e) of the Regulation);
- remind the data recipients of their obligation not to use the data received for any further purpose than the one for which they were transmitted (Article 7(3) of the Regulation);
- modify the current practice concerning the right of access so that data subjects have access to their evaluation results from all stages of the selection procedure, unless the exception of Article 20(1)(c) Regulation can be applied in the particular case (Article 13 of the Regulation);
- revise the existing Privacy Statement in light of comments provided in point 3.9. of this opinion (Articles 11 and 12 of the Regulation).

Done at Brussels, 20 June 2008

(signed)

Joaquín BAYO DELGADO
Assistant European Data Protection Supervisor