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SUPERVISOR

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After examining the notification of the processing operation concerning spontaneous applications, we have come to the conclusion that such processing **does not require prior checking by the European Data Protection Supervisor (EDPS)**.

The EDPS notes that the processing operation was notified without any legal basis for the prior checking being specified, even though this is required in the notification form.

The processing operation under examination has a specific purpose. That purpose is to establish a database for classifying applicants who have replied to a permanent call for interest published on the Court's website by function group according to the area, in particular, auditing, translation, administration, secretarial and IT staff. These databases of potential candidates are used to organise selection procedures to help Court of Auditors departments recruit contractual or temporary staff.

The establishment of a database is not, therefore, the sole purpose of the processing operation and the information supplied does not constitute a recruitment procedure as such.

The EDPS checked, however, that the processing operation did not fall within the scope of Article 27(1), 27(2)(a), 27(2)(b), 27(2)(c) or 27(2)(d). The processing operation concerning spontaneous applications, as set out by the Court of Auditors, does not appear to present any of the risks described in these Articles.

That being so, the EDPS was unable to identify any particular risk for the rights and freedoms of the data subjects given the nature, scope and purpose of the processing operation. However, if you believe there are other factors justifying prior checking of the above processing operation, we are prepared to review our position.

On reading the notification though, the EDPS would like to make various comments on the processing operation as described therein.

The notification describes the information intended for the data subjects as very general: information in the form of a standard reply to applicants. The EDPS considers such information to be incomplete under Articles 11 and 12 of Regulation (EC) No 45/2001 and would like to see the information completed and the notification amended accordingly.

The EDPS adds that it is awaiting a general notification on recruitment to the Court. An e-mail to that effect was sent to the Court on 14 November 2008 in order to cancel notifications 2008-313 and 2008-433 and replace them with a general notification. The notification for spontaneous applicants will certainly provide useful information for administering the general recruitment dossier. The EDPS recommends, therefore, that the notification be sent back to the EDPS on this occasion.

We would ask you to respond to this letter by informing us of the measures taken in the light of the above recommendations within three months starting from the date of receipt of this letter.

(signed)

Peter HUSTINX