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ASSISTANT SUPERVISOR

Ms Claudine Kesteloot
Head of the Recruitment and Careers Unit
Committee of the Regions
Rue Belliard 101
1040 Brussels

Brussels, 5 October 2010
GB/DH/kd D(2010)1509 C **2010-0515**

Subject: Prior checking, case 2010-0515: ‘Secondment of national experts to the Committee of the Regions’

Dear Ms Kesteloot,

We have examined the documents the Committee of the Regions sent to the EDPS concerning the notification for prior checking on the processing of data in connection with the ‘secondment of national experts to the Committee of the Regions’. This data processing is subject to prior checking by the EDPS, since it involves the assessment of personal aspects of secondment applicants – their ability to perform the duties required of a particular post, for example – as set out in Article 27(2)(b) of Regulation (EC) No 45/2001.

The data protection aspect of the secondment of national experts is dealt with in the Guidelines¹ which the EDPS has issued concerning staff recruitment procedures within European Union institutions and agencies. On 29 October 2009, the EDPS asked those institutions and agencies which had not yet sent notice about those procedures to compare their respective procedures with that document and to inform the EDPS of any points where they differed in terms of data protection.

¹ The Guidelines are available on the EDPS website in the Supervision section, under the heading ‘Guidelines’. The EDPS has also published a Joint Opinion, dated 7 May 2009 (case 2009-0287), which can also be found on the EDPS website.

In the present case, the letter from the Committee of the Regions states that its procedure conforms with the Guidelines and the Committee has provided justification for the differences in terms of data protection (retention of data, for example).

Following an examination of the various documents supplied by the Committee, we do however recommend that you provide additional information in the following sections of the notification:

- 8/ the form should refer to the rights of access and rectification which should be granted in accordance with the guidelines;
- 14/ according to the information to be given to the data subjects, it appears that data could be retained for statistical purposes;
- 18/ the security measures adopted must be described (they are referred to in the information note available on the Intranet).

On the basis of the above, we have decided to close this case, provided that the Committee of the Regions adds the information described in the preceding paragraph to its notification concerning 'the secondment of national experts to the Committee of the Regions'.

Sincerely yours,

(signed)

Giovanni BUTTARELLI

Cc: Mr. Ratislav SPAC, Data Protection Officer, Committee of the Regions