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ASSISTANT SUPERVISOR

Mr Hans JAHREISS
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Brussels, 11 May 2012
GB/DH/mch/ D(2012) 972 C 2012-0246

Subject: Prior-checking notification, case 2012-246 (selection procedure for the F4E studentships scheme and management of the scheme)

Dear Mr Jahreiss,

We have examined the documents the Fusion for Energy (F4E) sent to the European Data Protection Supervisor (EDPS) concerning the notification for prior checking on the processing of personal data in connection with the selection procedure for the F4E studentship scheme. These processing operations are subject to prior checking by the EDPS, since they involve the assessment of personal aspects of candidates - their ability to perform the functions of the post for which the selection and recruitment procedure has been organised - as set out in Article 27(2)(b) of Regulation (EC) No 45/2001. Article 27(2)(a) ("processing of data relating to health and to suspected offences, offences, criminal convictions or security measures") can be considered as an additional ground. Indeed, as mentioned in your notification, medical certificates can be processed of sickness or accident during the studentship.

The data protection aspect of the selection of staff is dealt with in the Guidelines¹ which the EDPS has issued concerning staff recruitment procedures within European Union institutions and agencies. By analogy, the EDPS Guidelines apply to the selection of students.

In the present case, the letter from the F4E states that its procedure conforms to the Guidelines and that the F4E fully applies the recommendations included in the Guidelines.

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 his website.

Following an examination of the various documents supplied by the F4E, we do conclude that processing operations in the frame of the selection and management of students seem to comply with the Regulation.

We would like to thank you for your cooperation on this matter and inform you that we have decided to close this case.

Sincerely yours,

(signed)

Giovanni BUTTARELLI

Cc: Mr Radoslav HANAK, Data Protection Officer - (F4E)