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ASSISTANT SUPERVISOR

Mr Pascal Legai
Director
European Union Satellite Centre
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Brussels, 28 April 2015
WW/ALS/mv D(2015) 0709
C 2014-0601 & 0602
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correspondence

Subject: Prior checking notification concerning recruitment of permanent and temporary staff (case 2014-0602) and recruitment of seconded national experts (case 2014-0601)

Dear Mr Legai,

I refer to the two notifications for prior checking concerning recruitment of permanent and temporary staff and recruitment of seconded national experts (SNE) at the European Union Satellite Centre (EU SatCen) submitted to the European Data Protection Supervisor (EDPS) initially on 5 June 2014 and with an updated version on 17 November 2014.

We note that recruitment of permanent and temporary staff and recruitment of seconded national experts at EU SatCen are in most aspects in compliance with Regulation (EC) No 45/2001¹ as outlined in the EDPS guidelines on recruitment procedures².

One aspect that differs from the guidelines is that employments at EU SatCen require a security clearance. The Security Office at EU SatCen asks the National Security Agency (NSA) to send a security clearance of the successful applicant. If it concerns SNEs, the latter must provide EU SatCen with the security clearance. The Security Office keeps the security clearances throughout the employment at EU SatCen. As soon as the staff member or SNE leaves EU SatCen, the Security Office sends it back to the NSA or to the SNE. We note that

¹ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the EU institutions and bodies and on the free movement of such data.

² Guidelines concerning the processing operations in the field of staff recruitment adopted on 10 October 2008, available on the EDPS website.

the mission of EU SatCen is provided in the Council Joint Action 2001/555/CFSP of 20 July 2011, as amended on 21 December 2006 on the establishment of the agency and the legal basis for processing security clearances follows from Article 2 (5)(a)³ of the Staff Regulation of the EU SatCen published on 25 August 2009 (OJ) 11765/09. Therefore, Article 10(5) is complied with.

With regard to the procedures for data subjects to exercise their rights of access, rectification and others, it is good practice to include information regarding the time limit within a reaction is expected to take place (e.g. 3 months for access request, without delay for rectification, etc.).

In light of the above, the EDPS has decided to close both cases.

We thank you for your cooperation. Should you have any doubts, please do not hesitate to contact us.

(signed)

Wojciech RAFAŁ WIEWIÓROWSKI

Cc: Jean-Baptiste Taupin - Data Protection Officer

³ "All employees may be required to have security clearance giving them access to classified documents in the course of their duties. A request for such clearance will be addressed to the competent authorities by the Centre. Pending official clearance, temporary access to classified information may be granted by the Director in exceptional cases and emergencies."