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ASSISTANT SUPERVISOR

Mr Udo HELMBRECHT
Director
European Union Agency for Network
and Information Security (ENISA)
P.O. Box 1309
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Brussels, 23 November 2016
WW/MG/sn/D(2016)2518 C 2010-0935
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correspondence

Subject: Prior-check Opinion on selection procedures for Seconded National Experts (SNE) - Case 2010-0935

Dear Mr Helmbrecht,

On 19 November 2010, the European Data Protection Supervisor ("EDPS") received a notification for prior checking relating to processing operations for the selection procedures for Seconded National Experts (SNE) from the Data Protection Officer ("DPO") of the European Union Agency for Network and Information Security ("ENISA") under Article 27 of Regulation (EC) No. 45/2001 (the "Regulation").

On 12 January 2011, the EDPS asked additional information to the DPO of ENISA, including a letter confirming that ENISA follows the thematic guidelines issued by the EDPS (Guidelines concerning the processing operations in the field of staff recruitment, 10 October 2008¹, hence the "Guidelines") and suspended the examination of the case until reception of this information.

On 23 July 2015, as follow up to the EDPS visit at ENISA on 19 June 2015 (case 2015-0393), the EDPS received the e-mail by ENISA's DPO confirming "ENISA's procedure does not differ from the relevant EDPS thematic guidelines" and providing a link to ENISA's privacy statement for staff recruitment also covering the recruitment of SNEs. The EDPS acknowledged receipt of this last e-mail by e-mail of 27 July 2015.

¹ Available on the EDPS website at the following link:
https://secure.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Supervision/Guidelines/08-10-10_Guidelines_staff_recruitment_EN.pdf

As this notification was submitted after the processing had already started, it has been dealt as an **ex post** prior check.

Description and assessment

As stated in the cover letter by ENISA and having regard to the privacy statement on staff recruitment at ENISA, we do not remark any divergence with the Guidelines.

Conclusion

There is no reason to believe that the processing operations notified by ENISA are in breach of of the Regulation. The EDPS therefore -in line with the principle of accountability- considers the case as **closed** provided that the aforesaid thematic guidelines are fully taken into account and complied with by ENISA.

Yours sincerely,

signed

Wojciech Rafał WIEWIÓROWSKI

Cc: Ms Athena BOURKA, Data Protection Officer