

**REGISTER NUMBER: 5**

**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 25 OCTOBER 2004**

**CASE NUMBER: 2004-174**

**NOTIFICATION OF: OHIM**

**LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001<sup>(1)</sup>**

**INFORMATION TO BE GIVEN<sup>2</sup>**

1/ NAME AND ADDRESS OF THE CONTROLLER

Juan Ramon RUBIO  
Director of HRD - OHIM - Alicante

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

OHIM - EPSO

3/ NAME OF THE PROCESSING

2004-2005 Internal selection procedure of Temporary Agent and Contractual Agent

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<sup>1</sup> OJ L 8, 12.01.2001.

<sup>2</sup> **Please attach all necessary backup documents**

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The Authority authorised to conclude the contracts of the Office is aiming to select, among the OHIM's temporary staff :

- a maximum of 20 who will be offered a renewal of their temporary contract for an indefinite period
- a maximum of 30 to who will be offered a renewal of their temporary contract with the inclusion of a resolatory clause linked to the non-participation or participation and failure in the next open competition of their category organised by or at the request of the OHIM
- a maximum of 25 to who will be offered a contract of contract staff, for a period of three years. These contract agents will form a pool to replace absent officials or temporary staff.
- a maximum of 5 to who will be offered one or several contracts as contract agents or auxiliary staff for a maximum of three years in accordance with the Office's specific needs in terms of replacement of absent officials or temporary staff
- a maximum of 5 to who will be offered a contract as contract staff in function group I for manual tasks.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Members of the temporary staff of the OHIM having a contract for a fixed period, at the date of publication of the selection procedure, provided they apply for the selection procedure.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

In OHIM's internal team, candidates':

- name
- birth date
- address
- administrative status
- category
- seniority date as temporary staff
- date of end of the contract as temporary staff
- mother tongue
- language 2
- an updated European Curriculum Vitae format
- the personnel number
- final lists with scores

In EPSO's e-recruitment tool (EPSO Profile and searching tool):

- Data requested by the tool (available in EPSO's web site)
- Written tests of candidates
- Results of written tests of candidates

In the Selection Committees:

- Results of written tests of candidates
- Oral tests results of candidates
- Career Development Reports of candidates
- Final tests results of candidates (also known by OHIM internal team and appointing authority)
- Final lists with scores

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

- Information notes of 01/10/04 and 8/10/04
- Vacancy notices published on 15/10/04

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

9/ AUTOMATED / MANUAL PROCESSING OPERATION

10/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Article 112 of CTM regulation:

*1. The Staff Regulations of officials of the European Communities, the Conditions of Employment of other servants of the European Communities, and the rules adopted by agreement between the Institutions of the European Communities for giving effect to those Staff Regulations and Conditions of Employment shall apply to the staff of the Office, without prejudice to the application of Article 131 to the members of the Boards of Appeal.*

2. *Without prejudice to Article 120, the powers conferred on each Institution by the Staff Regulations and by the Conditions of Employment of other servants shall be exercised by the Office in respect of its staff.*

Article 12 3 of CEOS:

3. *The European Communities Personnel Selection Office (hereinafter "the Office") shall, at their request, provide assistance to the different institutions with a view to the selection of temporary staff, in particular by defining the contents of the tests and organising the selection procedures. The Office shall ensure the transparency of selection procedures for temporary staff engaged under Article 2 (a), (b) and (d).)*

Article 82 5 of CEOS:

5. *The European Communities Personnel Selection Office shall, at their request, provide assistance to the different institutions with a view to the selection of contract staff, in particular by defining the contents of the tests and organising the selection procedures. The Office shall ensure the transparency of selection procedures for contract staff.*

Article 3 of the Decision of the Secretaries-General of the European Parliament, the Council and the Commission, the Registrar of the Court of Justice, the Secretaries-General of the Court of Auditors, the Economic and Social Committee and the Committee of the Regions, and the Representative of the Ombudsman of 25 July 2002 on the organisation and operation of the European Communities Personnel Selection Office:

*Other services*

1. *Under an agreement between the Head of the Office and any body, office or agency, the Office may organise selection procedures for staff to be recruited by such bodies, offices or agencies. Before concluding such an agreement, the Head of the Office shall seek the approval of the Management Board. Any such agreement shall cover the financial arrangements relating to the services provided by the Office.*

2. *Where requested, the Office may provide technical support for internal competitions organised by individual institutions, bodies, offices or agencies.*

11/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

OHIM - EPSO

12/ GENERAL INDICATION OF THE TIME LIMITS

FOR BLOCKING: -----

AND/OR

FOR ERASING: -----

OF THE DIFFERENT CATEGORIES OF DATA (*Please, specify the time limits for every category, if applicable*)

- All the information related to the selection procedure will be stored by HRD on a paper and hard disks basis in their “coffre forts”.
- Applications in the e-mail boxes will be erased +-one month after the deadline for application.
- Data in EPSO’s data bases will follow EPSO’s rules on data protection

13/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

*If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification.*

14/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

Non applicable

15/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (*Please describe*):

For contractual agent:

A selection Committee will be appointed by the Authority authorised to conclude contracts.

Eligible candidates will be invited to sit a written test, consisting in a verbal and numerical reasoning test, followed by an oral examination with the selection committee.

The written test is marked out of 20 points. It will consist of 15 questions on numerical reasoning and 25 questions on verbal reasoning. Each question will be marked out of 0.5 points. Candidates must sit the test in ES, DE, EN, FR or IT but may not take the test in their first language (mother tongue). This means that if the candidate's first language is one of these 5 languages, he/she must sit the test in one of the other four languages. The language in which a candidate decides to sit the test becomes his/her language 2.

The oral examination is marked out of 20 points. The oral examination will evaluate, in particular, the candidates' knowledge and skills related to the duties as well as the language abilities. Candidates must reply to the substantial questions of the oral examination in ES, DE, EN, FR or IT but may not reply in their first language. This means that if the candidate's first language is one of these 5 languages, he/she must reply to the substantial questions in his/her language 2.

The ability, efficiency and conduct in the service of the candidate, as contained in his/her appraisal report(s), are marked out of 20 points. The statistics of the appraisal exercises will be taken into account by the selection committee to define the way in which the ability, efficiency and conduct in the service are scored.

Only candidates having reached a minimum total of 30 points can be offered a renewal of their contract.

The first 4 having obtained the highest score will be offered a renewal of their temporary contract for an indefinite period.

The next 5 having obtained the highest score will be offered a renewal of their temporary contract, with the inclusion of a resolatory clause linked to the non-participation or participation and failure in the next open competition of their category organised by or at the request of the OHIM

For temporary agent:

Candidates must submit their applications, containing the information required in the selection notices, by e-mail to the mailboxes indicated in the selection notices. An acknowledgement of receipt will be sent to each candidate.

Approximately three weeks after the deadline for the submission of applications, the EPSO will contact each admissible candidate individually by e-mail and provide him/her with a link to the EPSO homepage, together with a personal ID number, log-in and password, which will allow the candidate to fill in the full application form in EPSO's database.

From this time on, all the information concerning the selection procedure will be made available to the candidates by the EPSO via a special page on their website, created specifically for this selection procedure.

The candidates must access the EPSO webpage and introduce all the information requested. This will be a compulsory step in the procedure as, without the necessary information, EPSO will be unable to process the application.

AS FORESEEN IN:

í Article 27.2.(a)

*Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,*

X Article 27.2.(b)

*Processing operations intended to evaluate personal aspects relating to the data subject,*

í Article 27.2.(c)

*Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,*

í Article 27.2.(d)

*Processing operations for the purpose of excluding individuals from a right, benefit or contract,*

í Other (general concept in Article 27.1)

16/ COMMENTS

PLACE AND DATE: ALICANTE, 25 October 2004

DATA PROTECTION OFFICER: Joël BASTIE

INSTITUTION OR BODY: Office for Harmonization in the Internal Market (OHIM)