

REGISTER NUMBER: 142

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 12/01/2007

Case number: 2007-006

Institution: OLAF

Legal basis: article 27-5 of the regulation CE 45/2001⁽¹⁾

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and address of the controller

2) Name and First Name of the Controller: MILLICH Paolo

3) Title: Head of Unit

4) Directorate, Unit or Service to which the Controller is attached: D.05

5) Directorate General to which the Controller is attached: OLAF

2/ Organisational parts of the institution or body entrusted with the processing of personal data

26) External Company or Directorate General to which the Processor is attached:

25) External Company or Directorate, Unit or Service to which the Processor is attached:

3/ Name of the processing

Selection and recruitment of temporary agents

4/ Purpose or purposes of the processing

To organise procedures in order to select temporary agents in view of their appointment by OLAF.
To manage applications and the different stages of the selection procedures; to manage the use of reserve lists for recruitment of temporary agents.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Candidates for OLAF temporary agent selection procedures.

16) Category(ies) of Data Subjects:

See answer under 14 above

6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data) *(including, if applicable, special categories of data (article 10) and/or origin of data)*

17) Data field(s) of Data Subjects:

Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10

Identification and contact data (name, address, sex, date of birth, nationality, name of a contact person in case of unavailability of the candidate, telephone, e-mail, fax); professional and administrative data (CV, nominations as officials or agents, assignments to a post, contracts, official communications to the individual issued by the Directors General acting as AIPN); correspondence with the candidate during the selection procedure.

18) Category(ies) of data fields of Data Subjects:

Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10

See answer to Question 17.

7/ Information to be given to data subjects

15a) Which kind of communication(s) have you foreseen to inform the Data Subjects as described in articles 11 - 12 under 'Information to be given to the Data Subject'

As of 1 January 2007, OLAF sends an acknowledgement of receipt of the candidate's application, and attaches a declaration of confidentiality which informs the candidate of conditions of treatment of his or her personal data.

8/ Procedures to grant rights of data subjects (rights of access, to rectify, to block, to erase, to object) *(rights of access, to rectify, to block, to erase, to object)*

15b) Which procedure(s) did you put in place to enable Data Subjects to exert their rights: access, verify, correct, etc., their Personal Data as described in articles 13 - 19 under 'Rights of the Data Subject' :

The candidates can send correspondence to OLAF to indicate the need for any change relating to their personal data. If necessary, they may also request in writing, with a copy of an identification card, a copy of their personal data being processed by OLAF.

9/ Automated / Manual processing operation

7) Description of Processing:

Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

HR Unit publishes a call for applications on the OLAF internet site, receives the applications via the EPSO portal, and creates a selection panel. HR Unit provides the jury with all applications. Jury organises and carries out tests and draws up reserve list of suitable candidates. Reserve list (with CVs attached) is communicated to DG ADMIN and to all interested OLAF HOU's. HOU's choose candidates to be interviewed. HR unit invites candidates and organises interview; prepares file for the panel, containing the CVs of all candidates; and, upon completion of all interviews, transmits to DG ADMIN the note requesting recruitment of the chosen candidate(s).

8) Automated Processing operation(s):

The reception of candidatures is managed by EPSO on behalf of OLAF. It is monitored using an automated system based on an Oracle database stored in the Commission Data Centre. Candidates apply on-line, giving the data as required by the Call.

9) Manual Processing operation(s):

Paper copies of on-line applications and copies of supporting documents (copies of diplomas and evidence of professional experience) are classified in candidates personal files, including CVs and evaluation forms.

10/ Storage media of data

Files are stored and archived in a secured filing cabinet, accessible by authorised personnel only.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Staff Regulations of Officials of the European Commission and
Conditions of employment of other servants of the European Communities, as laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968;
Decision of the Director General OF OLAF on a new policy for the engagement and use of OLAF's temporary agents, 30 June 2005.

12) Lawfulness of Processing:

Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

The processing is necessary for the performance of tasks carried out on the basis of the Staff Regulation, and thus is lawful under Article 5a of Regulation 45/2001.

The exemptions and restrictions of Article 20 do not apply.

The processing operation is intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct, and hence is subject to prior checking by the European Data Protection Supervisor in accordance with Article 27 of Regulation 45/2001.

12/ The recipients or categories of recipient to whom the data might be disclosed

20) Recipient(s) of the Processing:

Any OLAF unit seeking to fill a temporary agent post may receive the list of successful candidates and their CV.

21) Category(ies) of recipients:

See repl to Question 20.

13/ retention policy of (categories of) personal data

The files of the selection procedure are retained for 10 years after the conclusion of the selection procedure.

13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) (Please, specify the time limits for every category, if applicable)

(on justified legitimate request from the data subject)

(Please, specify the time limits for every category, if applicable)

22 b) Time limit to block/erase data on justified legitimate request from the data subjects

One month.

14/ 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,

22 c) 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

Not applicable.

15/ Proposed transfers of data to third countries or international organisations

27) Legal foundation of transfer:

Only transfers to third party countries not subject to Directive 95/46/EC (Article 9) should be considered for this question. Please treat transfers to other community institutions and bodies and to member states under question 20.

Not applicable.

28) Category(ies) of Personal Data or Personal Data to be transferred:

Not applicable.

16/ The processing operation presents specific risk which justifies prior checking (please describe): *(please describe)*:

7) Description of Processing:

Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

HR Unit publishes a call for applications on the OLAF internet site, receives the applications via the EPSO portal, and creates a selection panel. HR Unit provides the jury with all applications. Jury organises and carries out tests and draws up reserve list of suitable candidates. Reserve list (with CVs attached) is communicated to DG ADMIN and to all interested OLAF HOUs. HOUs choose candidates to be interviewed. HR unit invites candidates and organises interview; prepares file for the panel, containing the CVs of all candidates; and, upon completion of all interviews, transmits to DG ADMIN the note requesting recruitment of the chosen candidate(s).

12) Lawfulness of Processing:

Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

The processing is necessary for the performance of tasks carried out on the basis of the Staff Regulation, and thus is lawful under Article 5a of Regulation 45/2001.

The exemptions and restrictions of Article 20 do not apply.

The processing operation is intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct, and hence is subject to prior checking by the European Data Protection Supervisor in accordance with Article 27 of Regulation 45/2001.

Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

Not applicable

Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,

This processing operation is intended to evaluate personal aspects of candidates for selection and recruitment as temporary agents at OLAF.

Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

Not applicable.

Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,

Not applicable.

Other (general concept in Article 27.1)

Not applicable.

17/ Comments

1) Date of submission:

10) Comments if applicable:

36) Do you publish / distribute / give access to one or more printed and/or electronic directories?

Personal Data contained in printed and/or electronic directories of users and access to such directories shall be limited to what is strictly necessary for the specific purposes of the directory.

If Yes, please explain what is applicable.

no

37) Complementary information to the different questions if applicable, including attachments to this notification which should not be public :

PLACE AND DATE:05/01/2007

DATA PROTECTION OFFICER: LAUDATI Laraine

INSTITUTION OR BODY:OLAF