

REGISTER NUMBER: 187

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 20/03/2007

Case number: 2007-193

Institution: European Commission

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 adress of the controller

2) Name and First Name of the Controller:CHENE Claude

3) Title:Director General

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

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

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:

DIGIT.Not Applicable.Not Applicable
Hudson / de Witte & Morel

3/ Name of the processing

Selection of Senior Officials in the Commission

4/ Purpose or purposes of the processing

To organise and manage the selection process of senior officials in the Commission in order to select the best-suited candidate for a particular position.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Applicants for senior official positions.

For ?internal procedures?:

? established officials of one of the Institutions of the European Communities;

For external procedures:

? established officials of one of the Institutions of the European Communities;

? any other external applicant.

16) Category(ies) of Data Subjects:

cf. point 14.

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

cf point 18

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

The following data fields are used:

? The curriculum vita of candidates, including their motivation letter and supporting documents;

? In particular

? Surname, First Name, Date (and Place) of Birth, Sex, Nationality, Telephone Number, (Email) Address,

? Degree/Diploma giving access to doctoral studies, Date of award of degree, Length of professional experience, Length of management experience

? Languages (and level)

? Previous Working Experience in the European Institutions and personnel number (if applicable)

? The assessment by the pre-selection committee as regards the eligibility of candidates, the matching of the application with the selection criteria and the performance during the interview(s);

? Their performance in their present position if they are an established official of the European Commission as recorded in the Career Development Report;

? Their performance during the assessment centre tests as recorded by the human resources consultant.

? The CCA evaluation of candidates who have been invited for an interview

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'

(I) External Applications:

Before registering their profile candidates have to explicitly take note of the data processing as explained in the attached 'Privacy Statement' (see annex).

The applicants are informed about the data protection rules with which the processing of their data has to comply in the "CVONLINE Encadrement Supérieur" database also via links to both a 'Privacy Statement' and an 'Important Legal Notice' on the registration page (see annex). Furthermore, registered candidates receive an automatic message confirming registration.

(II) Internal Selection Procedures:

The candidates send their CVs (and motivating letters) to the functional mailbox ADMIN-JOB-VACANCIES-MANAGEMENT@ec.europa.eu and receive an automatic email confirmation that their application has been received to which the 'Privacy Statement' and 'Important Legal Notice' are attached. Their data are then inserted by ADMIN.A.5 into the 'Encadrement' database for the purposes of the selection procedure.

Data subjects will be informed of the data processing, the different data fields to be processed and the recipients also through the website of ADMIN.CCN (a link will be provided to the Europa website).

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' :

? Candidates can change their data up to the end of the deadline for applications (cf. also response to 8). After the deadline, they can request factual corrections by addressing themselves to the processor

? Access to the results of the assessment centres tests: candidates have the right to oral feedback from the human resources consultant on their performances during the assessment centre tests. This feedback will be given once the Commission has taken a decision on the appointment for the specific position they have applied for.

The results of the assessment centre tests have a validity of two years; during these two years, the Commission will use the results of the assessment centre tests if the candidate presents themselves in another selection procedure for a position at the same level as the one they have presented themselves the first time.

? Access to the evaluation sheets adopted by the CCA following the interviews: once the decision on appointment for the specific position has been taken, candidates can request a copy of their evaluation sheets.

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)"

The table in Annex describes the processing of data in the successive stages of the Senior Officials selection procedure and the data protection measures.

General introduction:

In order to appoint the most suitable candidate to a senior official position in the European Commission, the Commission collects, manages and stores data relating to candidates (both internal and external) who apply for these positions.

The data relate to:

? the professional and personal profile of candidates (i.e. curriculum vitae and accompanying documents: motivation letter, copies of certificates, references, ?);
? their performance as recorded in the most recent Career Development Reports (for internal candidates);
? the results of assessment tests and performances (during tests carried out externally at the request of the European Commission or during interviews at different stages of the selection process).

Data are submitted by candidates themselves with their curriculum vitae, they are handled by DG ADMIN, pre-selection committees put in place in the DG concerned to appreciate the applications for a specific position, by the Consultative Committee on Appointments (CCA), by external human resources consultants hired specifically by the European Commission to assess the competencies of candidates, by the Rapporteur for the procedure, by the SG and the Commission Members for the final decision.

Since the processing includes the evaluation of competences of data subjects, it is subject to prior checking by the European Data Protection Supervisor pursuant to article 27(2)(b).

8) Automated Processing operation(s):

- For posts published externally (according to art. 29.2 of the Staff Regulations) candidates are asked to submit their application via the EUROPA web-site into a database called CVONLINE Encadrement Supérieur, aimed at collecting structured CVs from the Internet) . They have the possibility to access their file via the Internet throughout the whole selection procedure and they can modify their data or withdraw their application until the end of the deadline for submission of applications.
- For both internal and external publications unit ADMIN.A.5 (?Organisation chart and management staff?) encodes all applications in the database ?Encadrement?, a computer-based tool facilitating the handling of recruitment procedures (e.g. by generating messages to candidates automatically ? for the data fields used cf. point 18). Access to the data stored in the ?Encadrement? database is limited to Commission staff in units ADMIN.A.5 and ADMIN.CCA-PROC (?Consultative Committee for appointments ? Procedures?).

9) Manual Processing operation(s):

See document attached under point 7 (column "processing").

10/ Storage media of data

Personal data of candidates are stored electronically in the shared drive R/Encadrement (access limited to ADMIN.A.5 and ADMIN.CCA-PROC) on the hard drives of the servers of the Commission's Data Centre and physically (on paper) in ADMIN.A.5 and the CCA-Proc unit.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

- Art. 29.1 and 29.2 of the Staff Regulations
- Compilation Document on Senior Officials Policy of 25 October 2004 (SEC(2004) 1352/2) in Annex.
- Commission Decision of 23 November 2005 on the Rules of Procedure for the Consultative Committee on Appointments (C (2005) 4563) in Annex.

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)"

Lawfulness of processing is based on Article 5.a and Recital 27 of Regulation (EC) No 45/2001. Processing is necessary for the performance of a task carried out in the public interest on basis of the Treaties establishing the European Communities ?
Functioning of the institution and management of staff.

Since processing is intended to evaluate the ability of candidates, it should be subject to a prior checking by the EDPS pursuant Art. 27(2) b) of Regulation (EC) No 45/2001.

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

20) Recipient(s) of the Processing:

See table annexed under point 7 (see column "Acces or recipient").

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Current electronic archives
"R/Encadrement" protected with "LAN CRYPT?".

Old electronic archives: The proposition is to create a separate drive encrypted with LANCRYPT with very limited access (e.g. 2 persons), to transfer the selection dossiers 5 years after the selection procedure.

Paper archives: ADMIN.A.5 paper archives locked in a room. The selection dossiers are destroyed 10 years after the end of the selection procedure. In case of legal action against the appointment decision, the 10 years retention period is extended until one year after the final decision.

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21) Category(ies) of recipients:

N/A

13/ retention policy of (categories of) personal data

See table annexed under point 7 (see column "Data protection").

====> I understand that this extract hereafter is corresponding to your indication here above:

=====
Old electronic archives: The proposition is to create a separate drive encrypted with LANCRYPT with very limited access (e.g. 2 persons), to transfer the selection dossiers 5 years after the selection procedure.

=====
====> If there is a retention period => 5 year a legal basis is requested by the EDPS!

====> How long do you intend to keep the personal data after the transfer? Please justify the 5 years period after the selection procedure and beyond the period to be defined after the transfer!

=====
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=====
====> If there is a retention period > 5 year a legal basis is requested by the EDPS!

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

Data can be blocked at the request of a data subject when a complaint is introduced under the administrative complaint procedures foreseen by the Staff Regulations, in a time limit of one week after the request to allow the examination of the case by the responsible of the data treatment.

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

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.

N/A

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

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

7) Description of Processing:

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Since processing is intended to evaluate the ability of candidates, it should be subject to a prior checking by the EDPS pursuant Art. 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,

n/a

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

art 27.2 b) Traitement destiné à l'évaluation du personnel

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

n/a

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

n/a

Other (general concept in Article 27.1)

n/a

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:20/03/2007

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission