

REGISTER NUMBER: 331

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 04/03/2008

Case number: 2008-138

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: RICHARDS Megan

3) Title: Director

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

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

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:

JRC.J.01

JRC.E.01

JRC.F.01

JRC.D.01

JRC.C.02

JRC.D.07

JRC.E. Not Applicable

JRC.F.07

JRC.C. Not Applicable

the national employment office

the national social security office

the national taxation office

the company in charge of work related-risks (Sevilla)

the legal consultancy company

<p>3/ Name of the processing</p> <p>SELECTION, RECRUITMENT AND MANAGEMENT OF GRANTHOLDERS IN THE JRC</p>
<p>4/ Purpose or purposes of the processing</p> <p>The purpose of processing of personal data is to manage administratively the different stages of selection, recruitment and management of grantees of categories 20, 30 and 40 through calls for interest published on the JRC's Institutes internet.</p>
<p>5/ Description of the category or categories of data subjects</p> <p>14) Data Subject(s) concerned:</p> <p>Interested candidates for scientific fellowships</p> <p>16) Category(ies) of Data Subjects:</p> <p>Interested candidates for grants (categories 20, 30, 40)</p>
<p>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)</p> <p>17) Data field(s) of Data Subjects:</p> <p>Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10</p> <p>The following data are collected (documents will be provided as soon as they are finalised for the new system being introduced in 2008:</p> <p>? Personal data allowing identification of the candidate: surname, first name, date of birth, email address.</p> <p>? Information provided by the candidate to enable launching of the selection procedure: including citizenship, passport or identity card number, private address, country, gender, telephone number, fax, language for correspondence, disability.</p> <p>? Information provided by the candidate to allow the verification of his/her eligibility: CV, university degree diploma, certificates proving a minimum of research experience, languages, proof of residence from previous years, police register.</p> <p>? Results of the selection procedure with the identification of selected, potential (reserve list) or not selected candidates, also distribution of overall statistics.</p> <p>? Personal data received from successful candidates to complete the recruitment phase: social security scheme, photographs, marriage certificate and / or birth certificate of children, financial and legal identity forms, bank account, medical examination results provided by the candidate in a closed envelope to the related Medical Service, and relevant financial and other information to be provided in a closed envelope to the supporting legal consultants for the establishment of employment contracts and payments of salaries.</p> <p>? Personal data concerning grantees who enter into service are summarised for consultation by the MSUs.</p> <p>A reduced version is kept after the end of the grant period.</p> <p>See attached file about the existing information collected in Sevilla.</p> <p>The processing does not fall under art 10</p>

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

- ? Personal data allowing identification of the candidate.
- ? Information provided by the candidate to enable launching of the selection procedure.
- ? Information provided by the candidate to allow the verification of his/her eligibility.
- ? Results of the selection procedure and overall statistics.
- ? Personal data received from successful candidates to complete the recruitment phase.
- ? Personal data concerning grantholders entering into service.

See attached file about the existing information collected in Sevilla.

The processing does not fall under art 10

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'

In attachment, the statement on personal data protection within the framework of selection, recruitment and management of grantholders in the JRC which will be available at the start of the on line application.

Only the results of the selection panel are made available and the non selected candidates are informed of these results.

See point 17 about the detailed data fields and point 20 about transfer of limited data to recipients.

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' :

In case a grantholder or candidate wish to ask for incorrect data to be corrected in his file, he can contact his MSU or send an e-mail to the functional mailbox address mentioned hereafter under "Contact Information", explicitly specifying his request.

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 Joint Research Centre (JRC) offers grants for doctoral researchers (cat. 20), post-doctoral al researchers (cat.30) and senior scientists (cat. 40).

The grantholders are contracted by the JRC Institutes located at different sites (Sevilla, Ispra, Geel, Petten, Karlsruhe, Brussels) on the basis of the new internal rules introduced in 2008 in the JRC (see attachment at point 11) and in respect of the applicable national labor law of the country of employment.

The Institute/Directorate's Management Support Units (MSU) act as processors.

The processing of data includes the following steps:

- * On line application in the frame of an open call for interested candidates published on the Institute/Directorate's website
- * Verification of candidate's eligibility by the selection Institute/Directorate's committee
- * Identification of selected, potential (reserve list) or not selected candidates
- * Completion of the recruitment phase for successful candidates with preparation of contract
- * Management of grantholders who enter into service by the MSUs.

In attachment, see example of existing detailed procedure followed in Sevilla but other documents available for all sites will be provided as soon as they are finalised for the new system being introduced in 2008.

This processing falls under Art. 27

8) Automated Processing operation(s):

The evaluation of administrative eligibility criteria is carried out with the help of worksheets. Other documents produced along the process are also stored using the JRC ICT infrastructure. Finally, many communications are done by email, including the transmission of electronic files.

9) Manual Processing operation(s):

The entire file is kept in paper and archived.

10/ Storage media of data

paper and electronic data

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

- Treaty establishing the European Atomic Energy Community (Euratom), title two - provisions for the encouragement of progress in the field of nuclear energy, chapter 1 promotion of research.
- Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities.
- Administrative rules applicable to the recruitment of fellows within the framework of the research programmes managed by the Joint Research Centre' approved by the JRC's Director General on 17/11/2004.
- New administrative rules applicable to the recruitment of grantholders under national law contracts within the framework of the research programmes managed by the Joint Research Centre, approved by the JRC's Director General on 21/02/2008 (see attachment).
- National labour laws (see attachment)

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)"

Art. 5 a) and c) are of application:processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities (recruitment of personnel and contract definition).

This processing requires the prior checking by the EDPS according to article 27.

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

20) Recipient(s) of the Processing:

- relevant JRC scientific staff,
- JRC corporate services (human resources, medical, security),
- national authorities (the national employment office, the national social security office, the national taxation office),
- the company in charge of work related-risks (Sevilla)
- the legal consultancy company (in charge of the preparation of monthly payments and contributions to social security).

Not all information is communicated either to the national authorities and the external companies such as the consultant but only necessary for them to carry out their respective roles (data transferred to whom and for which purpose will be forwarded as soon as available).

Due to transfer of personal data, Art. 7 and 8 are of application

21) Category(ies) of recipients:

- JRC administration services
- national administration services
- external companies (insurance & legal consultant)

13/ retention policy of (categories of) personal data

Selection files on paper and electronic media for successful candidates or potential candidates (reserve list) are classified and stored for a period of 5 years.

For non-selected candidates, electronically stored and paper files are kept for 1 year after the closure of the selection procedure. A reduced personal file of recruited grantholders will be kept for 5 years after the end of the grant period in order to facilitate any requests from grantholders for confirmation or certification of their presence on a JRC site.

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

Upon a justified request by the data subject the personal data will be modified within 14 days.

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

N/A

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)*:

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This processing requires the prior checking by the EDPS according to article 27.

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

Article 27.2.(a) Processing of data relating to health

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

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

☐ 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:

The new internal rules introduced in 2008 in the JRC (see attachment at point 11) are based on the general rules of the Commission applicable to Marie Curie fellows under Framework Programme 7.

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 :

not applicable

PLACE AND DATE:04/03/2008

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission