

REGISTER NUMBER: 335

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 04/03/2008

Case number: 2008-142

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: Official

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.B.01
JRC.C.06
JRC.G.01
JRC.I.01
JRC.H.01
JRC.A.05
JRC.C.02
JRC.C.07
JRC.C.03
PMO.Not Applicable.06
JRC.D.01
JRC.F.01
JRC.E.01
JRC.J.01

3/ Name of the processing

RECRUITMENT PROCEDURE FOR CONTRACT AGENTS AT THE JRC

4/ Purpose or purposes of the processing

Constitution and management of Contract Agent recruitment files

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Candidates for a "contract agent" contract

16) Category(ies) of Data Subjects:

Candidates as contract agent

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

Candidates' personal data:

- name, surname, birthday, nationality, civil status, private address

List of requested documents to candidates (see standard letter in attachment):

- recent certificate of good conduct/criminal records certificate (for UK certificates only)

- no. 2 passport photos - application form + professional experience form

- updated curriculum vitae - birth certificate

- document proving the candidate's nationality (passport or I.D. card)

- document proving the fulfilment of any obligations imposed on the candidate by the laws concerning military service

- diploma giving access to the relevant Function Group

- all other diplomas considered relevant

- all previous working contracts/certificates with exact dates and functions plus salary slips

- Legal Entity form - Financial identification form and Bank account

-Reimbursement of travel and subsistence expenses form

Only for Karlsruhe site:

- a certificate of good conduct for each country in which they lived for more than 6 months over the last 10 years needed

- a "Sicherheitsüberprüfung" form, which should be filled in and signed in original for an obligatory security check carried out by the competent German authorities and required for all staff working in nuclear installations

For the selected candidate

- civil status certificate - residence certificate

- marriage certificate and/or divorce or legal separation judgments, and/or official declaration of partnership recognition (if applicable)

- birth certificate of children (if applicable)

- declaration concerning professional income of spouse/partner and declaration of eventual family allowances received from other sources (if applicable) - professional income spouse/partner

- divorce/legal separation judgements - partnership recognition

- entry VISA for non-EU citizens (if applicable)

Other items collected: - references from previous employers

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

Candidates' personal data:

List of requested documents to candidates.

The processing falls 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'

The data subjects will be informed by the Privacy Statement (in attachment) at the first time they, as candidates, are contacted by mail or letter.

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' :

On the possibility of integrating, modifying and/or deleting personal data, see Privacy Statement attached to point 15.

Any person to whom the Conditions of employment of other servants of the European Communities apply, may submit to the relevant authority a request to take a decision relating to him in accordance with the Article 117 of the above-mentioned Conditions of employment.

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)"

Recruitment procedure for Contract agents at the Joint Research Centre (JRC).

Detailed explanation of the recruitment procedure for Contract Agent Function Group I, II, III, IV is provided in the attachment.

The main steps of the above-mentioned procedure are as follows:

1. Selection in CARL Database or exceptionally in ELSA (the latter subject to the AIPN derogation) provided by JRC Management Support Units (MSUs).
2. File preparation by JRC MSUs.
3. File verification by Human Resources Unit (Ispra/Brussels) or by the MSU in the other sites
4. File constitution by HR Unit (Ispra/Brussels) or by the MSU in the other sites
5. File finalisation by HR Unit (Ispra/Brussels) or by the MSU in the other sites

JRC MSUs organise interviews and finalise the report of the selection panel . Evaluation sheets are filled in for the candidates' appraisal.

The processing falls under Art.27.

8) Automated Processing operation(s):

1. An Excel table containing the candidate's data for the exclusive use of the file managers: name, personal number, nationality, grade, assignment, contract duration and presence on site.
2. A monitoring Excel table detailing all the recruitment steps is available for the use of the file managers and the Management Support Units (MSUs) of Ispra/Brussels sites.

9) Manual Processing operation(s):

Templates for the management of the paper version of the file are available as follows (see point 37):

At MSU level:

- "CSAC" report (selected candidates from CARL/ELSA database)
- Call for interview letter
- Selection committee "Compte rendu" (if applicable)
- Evaluation sheet - Invitation letters to selected candidates
- Negative letters to not selected candidates
- Legal entity - Financial identification
- Contract staff request and extension form
- Application Form - Professional experience form
- Transfer request form

At HR level (for Ispra/Brussels sites) and at MSU level (for the other sites):

- Internal file list
- Request for medical visit
- Request for security clearance
- Fiscal Code ("Codice Fiscale") request (available for Ispra site)
- Negative letters to not apt candidates
- Acknowledgement of receipt of Staff Regulation and Conditions of employment of other servants of the European Communities and of the Commission decision C(2004)1313 about grading criteria
- Acknowledgement of receipt of information for the transfer of pension rights
- Declaration on external activity/RAA/previous auxiliary activity
- Acknowledgement of receipt of the contract
- Declaration of Discretion
- Contract - Annex 1 to the contract: Declaration of entry into service
- Accompanying letter of the contract
- Extension letter or amendment
- Letter of end of the contract
- Letter of resignation of the contract
- "Information on entry into service" form for Ispra or equivalent form for the other sites

10/ Storage media of data

paper and electronic media

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Staff regulations - Title IV of the CEOS (Conditions of employment of other servants of the European Communities) - Contract Staff

General Implementing Provisions (GIP) on the procedures governing the engagement and the use of contract staff at the Commission :

- Commission decision C(2004)1313 of 7 April 2004 entered into force on 1 May 2004,
- Commission decision C(2004)2862 of 27 July 2004 entered into force on 28 July 2004
- Commission decision C(2004)4952 of 17 December 2004 entered into force on 17 December 2004
- Commission decision C(2005)5411 of 16 December 2005 entered into force on 16 December 2005

Six year rule: Commission decision C(2004) 1597 of 28.4.2004

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 and lawful as per Art. 5 a).

The processing falls under Art.27.

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

20) Recipient(s) of the Processing:

For every recruitment file:

1. A master file collecting all documents pertaining to the recruitment process is available (i.e. candidate's documents, exchange of e-mails, relevant acts) and registered via NOMCOM and ADONIS (ongoing).

2. A file for transmission to the personal dossier is available and registered in Sysper2 via NDP. The same file is previously processed by PMO/06 in order to establish the candidate's individual rights.

A specific filing plan is under discussion and finalisation with a view to improving the above-mentioned filing process.

In the framework of the recruitment procedure, specific documents have to be provided to the Medical Services (Ispra, Brussels and Luxembourg) and to the JRC Ispra Security Service as follows:

To the Medical Services (Ispra/Brussels/Luxembourg):

- Request for medical visit
 - Workplace exposure sheet (WES)
- (plus application form and CV for Geel site)

To the JRC Ispra Security Service:

- Request for security clearance
- Application form and updated CV - Candidate's passport photo
- Recent certificate of good conduct/criminal records
- Identity card or passport - Eventual nationality derogation

For candidates to work with the JRC, Karlsruhe site:

- a certificate of good conduct for each country in which they lived for more than 6 months over the last 10 years
- "Sicherheitsüberprüfung" form

Based on the above-mentioned documents, the Medical Service and the JRC Ispra Security Service/German Authority issue the medical aptitude and the security clearance respectively.

Requests for medical examinations are submitted as soon as the selected candidate confirms his/her interest proposed job.

Requests for security clearances are submitted as soon as the selected candidate provides his/her certificate of conduct.

The Welcome Desk (or equivalent Institute service) receives personal data of contract agents on the occasion of their entrance into service.

21) Category(ies) of recipients:

- ADONIS (document management system)
- DG ADMIN
- PMO.6
- Medical Services (Ispra, Brussels, Luxembourg)
- JRC Ispra Security Service
- German Competent Authority for security checks (for Karlsruhe only)
- JRC Ispra Welcome Desk (or equivalent service on the other sites)

13/ retention policy of (categories of) personal data

Recruitment files on paper are classified and stored for a period of 10 years in accordance with Commission SEC(2007)970 of 4 July 2007.

Electronically stored recruitment files are kept for 10 years after the nomination of the candidate or after the closure of the recruitment procedure for the non-selected candidates in accordance with Commission SEC(2007)970 of 4 July 2007.

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

Duly motivated requests (addressed to the following Functional Mail Box:
jrc-recruitment-data-protection@ec.europa.eu) submitted by the relevant candidate with regard to the integration, modification and/or deletion of personal data, shall be evaluated on a case by case basis. Where acceptable, the relevant integrations, modifications and/or deletions will be done within 14 days from the corresponding request.

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.

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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JRC MSUs organise interviews and finalise the report of the selection panel . Evaluation sheets are filled in for the candidates' appraisal.

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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 and lawful as per Art. 5 a).

The processing falls under Art.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 letter to the selected candidates contains a request of documentation listed at point 17.
Furthermore to be noted that all the external correspondence is also registered in ADONIS.

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 :

see attached files

PLACE AND DATE:04/03/2008

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission