

REGISTER NUMBER: 356

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 09/04/2008

Case number: 2008-222

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 address 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

3/ Name of the processing

Selection of candidates in order to establish a short-list for the position of the European Data Protection Supervisor and the position of the the Assistant Supervisor

4/ Purpose or purposes of the processing

To organise and manage the selection process of the European Data Protection Supervisor and the Assistant Supervisor in order to allow the Commission to adopt a short-list of candidates best-suited for these positions to be transmitted to the Appointing Authorities (European Parliament and the Council of the European Union).

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Applicants for the position of the European Data Protection Supervisor and the Assistant Supervisor; candidates short-listed by the European Commission.

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, gender, nationality, telephone number, (e-mail) address;
 - ? Degree / Diploma giving access to doctoral studies, date of award of degree, length of professional experience, length and level of management experience;
 - ? Languages (and level);

- 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);

- The evaluation by the CCA of candidates who have been invited for an interview.

- information indicating which candidates have been pre-selected or short-listed.

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'

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

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.

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 following address: .

- Candidates can ask the Chair of the pre-selection committee for oral or written feedback regarding decisions taken by the pre-selection committee or on their performance during the interviews at this stage of the selection procedure.

- Candidates can ask for oral or written feedback regarding decisions taken by the Consultative Committee on Appointments or on their performance during the interviews at this stage of the selection procedure by addressing themselves to the Permanent Rapporteur of the CCA at the following address:

- Access to the evaluation sheets adopted by the CCA following the interviews: once the Appointing Authorities have taken a decision on the appointment of the European Data Protection Supervisor and the Assessor, candidates can request a copy of their evaluation sheets by addressing themselves to the Permanent Rapporteur of the CCA.

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)"

General introduction:

In order to establish a short-list of suitable candidates for the positions of European Data Protection Supervisor and Assistant Supervisor which will be transmitted to the Appointing Authorities (European Parliament and Council of the European Union), the Commission collects, processes and stores data relating to candidates 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, ?);
- the results of the performance of candidates during interviews at different stages of the selection process.

Data are submitted by candidates themselves with their curriculum vitae or are collected throughout the different stages of the selection process; they are handled by DG ADMIN, the pre-selection committee, the Consultative Committee on Appointments (CCA), who shall be assisted during the interviews by an external consultants hired specifically by the European Commission, the Rapporteur for the procedure, the SG and the Members of the Commission for the adoption of the short-list.

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).

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

8) Automated Processing operation(s):

Candidates are asked to submit their application through 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.

9) Manual Processing operation(s):

Data relating to the candidates, including their CV's, motivation letters and the evaluation of their performance during the different stages of the selection process will be transmitted through electronic mail or through normal mail (see also attached document under 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) and in a shared drive within 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:

- Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data;

- Decision No 1247/2002/EC of the European Parliament, of the Council and of the Commission of 1 July 2002 on the regulations and general conditions governing the performance of the European Data-protection Supervisor's duties in Annex;

- Commission Decision of 6 February 2007 on the Rules of Procedure for the Consultative Committee on Appointments (C(2007)380/2) 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 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.

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

Access to some documents containing comparative data on candidates might be restricted to protect the rights and freedoms of others (cf. Art. 20 (1) c) 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 "Access or recipient").

21) Category(ies) of recipients:

N/A

13/ retention policy of (categories of) personal data

Data entered in the CV-Online database will be kept for one year following the date of closure for applications.

Data relating to the selection procedure itself will be kept by the European Commission for a period of five years or - in case of complaints - for full the time the proceedings might take plus one full year following the data a final decision has been taken.

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 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 is subject to a prior checking by the EDPS pursuant Art. 27(2) b) of Regulation (EC) No 45/2001.

Access to some documents containing comparative data on candidates might be restricted to protect the rights and freedoms of others (cf. Art. 20 (1) c) 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,

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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:09/04/2008

DATA PROTECTION OFFICER: RENAUDIÈRE Philippe

INSTITUTION OR BODY:European Commission