

**REGISTER NUMBER: 373**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 30/05/2008

Case number: 2008-349

Institution: FRA

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

*(1) OJ L 8, 12.01.2001*

**INFORMATION TO BE GIVEN<sup>(2)</sup>**

*(2) Please attach all necessary backup documents*

**1/ Name and adress of the controller**

Unit Administration, Costantinos MANOLOPOULOS (Head of Administration), European Union Agency for Fundamental Rights (FRA), Rahlgasse 3, A-1060 Vienna

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

Unit Administration, Personnel

**3/ Name of the processing**

Selection Procedures for recruiting Temporary Agents, Contract Agents and Seconded National Experts.

**4/ Purpose or purposes of the processing**

Recruitment of Temporary Agents, Contract Agents and secondment of SNEs

**5/ Description of the category or categories of data subjects**

Data subjects are applicants wishing to be recruited by the Agency.

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

Personal data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct).  
Images might be included in the submitted CVs.  
Data is provided by the data subject when submitting his/her applications.

**7/ Information to be given to data subjects**

Information is provided on the vacancy notice (See Annex 1a, 1b, 1c) and in the FRA's Website (see Annex 2)

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

Data subjects have the right to rectify their data until the closing date of the vacancy. They do not have right to access their data but should they require further information or wishes to exercise their rights they shall address to: recruitment@fra.europa.eu. Only contact data can be changed at anytime. However, information related to the evaluation of the candidacy cannot be change after deadline. Data subjects have the right to block data at any time as well as to object in case their data will be transferred to third parties.

**9/ Automated / Manual processing operation**

Electronic: Receipt of application via e-mail, electronic registration in database and storage.  
Manual: Pre-selection and Selection of succesfull candidates according to the criteria of each specific selection procedure  
e-Recruitment: As of April 2008, interested parties are responsible to fill-in the vacancy application form. A DP notice is presented before submitting any data (see Annex 3)

**10/ Storage media of data**

Electronic storage in dedicated e-mail Functional Mailbox with restricted access to personnel staff.  
File system: storage of data during pre-selection and selection stages. Restricted access to personnel staff.  
e-Recruitment: as of April 2008, records of applications will be deleted after closure of recruitment procedure. In both electronic storage IT staff can access personal data upon request of the Data Controller.

**11/ Legal basis and lawfulness of the processing operation**

The legal basis of the processing of job applications for temporary agents and contract agents can be found in Article 12 and Article 82 of the Conditions of Employment of other servants of the European Communities for temporary agents and contract agents accordingly.  
The legal basis of the processing of job applications for Seconded National Expert (SNE) can be found in the Commission Decision of 27 February 2004 (C(2004) 577) implemented by the Decision 2004/07 of the EUMC Director regarding Detached National Experts.  
Article 5 (a),(b),(c) and (d) of Reg. 45/2001.

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

The data of the applicants are transferred to the recruitment selection committee members (Annex 4). These documents are given back to the Administration (personnel section) after the conclusions of the Selection Committee are established. Selection Committee members are made aware of the confidentiality of these personal data and sign a Declaration of Absence of Conflict of Interest and Confidentiality. (Annex 5). In addition the data of applicants are transferred to the management of the organisational unit concerned and to the staff members of the unit involved in the financial workflow for reimbursement of expenses and expenses related to taking up duties.

**13/ Retention policy of (categories of) personal data**

The data of candidates that will be received as from the 15/05/2008 is kept for 5 years after which time they are destroyed.  
The Agency keeps a reserve list with the candidates whose application is succesful. The retention period commences on the deadline date of the submission of applications. Spontaneous applications are not kept.

**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)

The personal data can be blocked immediately upon request of the data subject at any time during the procedure.  
The data will be erased within 15 working days. At any point the data can be erased upon data subject's request provided there is no conflict with the defined procedure.

**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,*

Statistical data is kept in order to provide information such how many applications were received, which nationalities, which gender etc. This data uses data ranges and it is anonymous.

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

Not Applicable

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

☐ Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security

☐ Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject.

**17/ Comments**

Referring to point 13, the Agency is the successor of the European Monitoring Centre on Racism and Xenophobia (EUMC). All recruitment procedures published under the EUMC follow the retention period of 1 year. Following the recommendation of the EDPS received on 29/04/2008 the Agency will apply a retention policy of 5 years as of 15/05/2008.

List of Annexes:

Annex 1a - Vacancy Notice template Temporary Agent

Annex 1b - Vacancy Notice template Contract Agent

Annex 1c - Vacancy Notice Template Seconded National Expert

Annex 2 - Copy of FRA's website Recruitment page

Annex 3 - Data Protection Notice, Privacy statement

Annex 4 - EUMC Recruitment Policy

Annex 5 - Declaration Absence Conflict of Interest and Confidentiality

PLACE AND DATE: 20-May-2008

DATA PROTECTION OFFICER: Nikolaos FIKATAS (Data Protection Officer of FRA)

INSTITUTION OR BODY: FRA