

**REGISTER NUMBER: 390**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 11/07/2008

Case number: 2008-435

Institution: OHIM

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

**François Femia, HRD, Head of Career and Development Sector**

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

**Human Resources Department**

3/ Name of the processing

**Selection and appointment procedures of managers comprised in the official organisation chart of the Office**

4/ Purpose or purposes of the processing

1) The Office publishes the vacancy notice(s) of the available posts following the provision laid down in the Staff Regulations, internally and, wherever relevant, inter-institutionally or externally.

2) A Selection Committee responsible for this procedure is designated by the Appointing Authority ('AA') or the Authority Empowered to Conclude Contracts of Employment ('AECE') of the Office.

Whenever relevant, the Office will ensure the participation of an external consultant to assist the selection committee, in the role of expert in selection and recruitment of managers.

3) The applicant files his/her application electronically via the Website of the Office using the online application tool or to the e-mail address indicated in the vacancy notice. The application will include:

- a motivation letter, wherever relevant.

- the curriculum vitae drafted by the applicant following a model suggested by the Office, normally the EU standard CV Europass (see example annex 1).

- an indication of the language skills. Whenever the applicant is internal member of staff, he/she will indicate these skills as collected in the most recent annual appraisal report available.

- an indication of any other competencies, knowledge areas and fulfilments that the applicant may find relevant to the vacancy as published.

4) The selection committee examines the admissibility of the applications received and establishes a list of the admissible applicants.

5) The admissible applicant may have to undergo pre-tests or tests. These may be done e.g. electronically, on the premises of the Office or outside of the Office. A summary of the test results will be prepared by the external consultant assisting the selection committee, or a member of the selection committee, and submitted to the selection committee.

6) On the basis of the applications, the CV and the results of the tests, the selection committee invites the most suitable candidates for an interview according to the criteria announced in the vacancy notice as published.

7) After the interview, the selection committee assesses the profiles of the candidates and draws up a list or a reserve list of candidates (as indicated in the publication of vacancy).

8) The reserve list is signed by the Appointing Authority or the AECE and published.

9) The candidates are informed by letter of the outcome of their application.

5/ Description of the category or categories of data subjects

**The applicants for the selection procedures.**

6/ Description of the data or categories of data

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

**Full name, date of birth, gender, marital status, number of children, , address, nationality and mother tongue, telephone number, fax number, e-mail address, contact person in case of absence; data referring to availability (for interviews, for taking up service), type of education (type of diplomas and titles obtained, including name of training organization, periods), years of professional experience in the areas indicated (including names and addresses of previous employers, job descriptions of previous jobs), language knowledge and corresponding levels, level and area of IT-literacy; interests; references; photo; any other detail that the data subject declares on a voluntary basis.**

**If the candidate is an internal staff member the following data may be indicated in addition: personnel number, status, jobtitle, department and past assignments, internal telephone number, e-mail address, administrative address.**

**Other data managed by the selection committee:**

- Results of the tests or pre-tests undergone by the candidates

- lists of the successful and non-successful candidates

- minutes of the meetings of the selection committee and final report to the Management

**Committee and the AA or AECE.**

7/ Information to be given to data subjects

Requirements of Art. 11 and 12 are met in :

- CV - European Format (Annex I)
- Data protection Statement (Annex II)
- Declaration of confidentiality, conflict of interest and personal data protection (AnnexIII)

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

**Right to have access:** on written request to the controller, the data subject may ask for a copy of the personal data used during the procedure.

**Right to rectify:** on written request to controller, the data subject shall have the right to obtain from the controller the rectification without delay, of inaccurate or incomplete personal data used during the procedure.

**Right to block:** on written request to the controller, the data subject shall have the right to obtain from the controller the blocking of data under the conditions laid down in the Regulation. Should an applicant request the blocking of his/her personal data needed for the course of the procedure, the Controller would immediately inform him/her about any eventual impact such request may have on the individual procedure.

**Right to Erase** On written request to the controller, the data subject shall have the right to obtain from the controller the erasure of the personal data used during the procedure under the conditions laid down in the Regulation. Should an applicant request the erasure of his/her personal data needed for the course of the procedure, the Controller would immediately inform him/her about any eventual impact such request may have on the individual procedure.

**Right to object:** on written request to the controller, the data subject shall have the right to object to the use of the personal data used during the procedure, under the conditions laid down in the Regulation. Should an applicant object to the use of his/her personal data needed for the course of the procedure, the Controller would immediately inform him/her about any eventual impact such request may have on the individual procedure.

9/ Automated / Manual processing operation

**Manual processing operation**

10/ Storage media of data

**Electronic data:**

- e-mail box \*Internal applications or e-mail box set up for the specific procedure, if relevant
- excel summary tables on the directory X:\ Personnel\ Career and Development sector\internal mobility.

The electronic data are included on the X:\ Personnel\ Career and Development sector and are only accessible by the members of the Human Resources Department in charge of internal mobility and recruitment of managers. Any additional electronic document is stored on the same directory, with the above mentioned restricted access. Whenever relevant, the files are also transmitted to the external consultant as a member of the selection committee.

**Paper files:**

The relevant paper documents are stored in the folders specific to each selection procedure in the internal mobility locked cupboards in the HRD Career and Development Sector.

11/ Legal basis and lawfulness of the processing operation

Articles 7(1), 29 (1)(a)(i) and (ii) and 29 (1)(b) of the Staff Regulation of the European Communities, Article 12 of Conditions for Employment of other servants of the European Communities, and Articles 5(a), 5(b), and 5(d) of Regulation 45/2001; and the Guidelines for mobility within the OHIM.

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

- Members of staff in Career and Development Sector of HRD in charge of internal mobility and recruitment of managers: applications and CVs, agenda for organisation of interviews.
- Members of Selection Committee (internal members and external members, whenever relevant) and secretariat of Selection Committee: all data
- Members of Management Committee of the Office: lists of suitable candidates for final selection.

13/ retention policy of (categories of) personal data

The application, the CV and all the preparatory data (except the tests carried out) will be maintained 5 years in storage for dealing with possible complaints, after the publication of the final list of successful candidates. Test results will be destroyed once the Selection Committee has taken note of the summary of the tests.

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No time limits are considered for the documents related to the successful candidates as they are a part of the recruitment procedure and will remain in the recruitment folder until transfer to another institution, permanent leave or retirement.

13 a/ time limits for blocking and erasure of the different categories of data  
(on justified legitimate request from the data subject)

**See above**

*(Please, specify the time limits for every category, if applicable)*

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,*

**NO**

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

**NO.**

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

**Article 27.2.(b)**

**Processing operations intended to evaluate personal aspects relating to the data subject,**

AS FORESEEN IN:

Article 27.2.(a)

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

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,

Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

Other (general concept in Article 27.1)

17/ Comments

**Data involved in the present personal data processing operation might be disclosed to third parties.**

**If a consultant is designated to assist in the work of the selection committee, a contract will be signed with the consultant firm which will include a clause stating that the firm, the specific consultant(s) and the staff in whom he/she delegates for the treatment of the data in relation to tests, including their correction and interpretation, must comply with the requirements of the regulation 45/2001.**

**Moreover, the consultant will be obliged to sign a specific compulsory declaration of confidentiality, conflict of interest and personal data protection (annex III) before the start of the works of the selection committee in which he/she is a member.**

**The data not referring to the tests and their results will not be transmitted to the external consultant firm. However, the consultant will have the necessary access to data for executing the works he/she is in charge of. The candidate will be informed of the personal data to which the consultant has access.**

PLACE AND DATE: Alicante, 11th July 2008

DATA PROTECTION OFFICER: Ignacio De Medrano Caballero

INSTITUTION OR BODY: Office For Harmonization in the Internal Market (OHIM)