

REGISTER NUMBER: 420

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 02/10/2008

Case number: 2008-589

Institution: Fondamental Rights Agency

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

Human Resources and Planning Department, Ms Eleni Karakitsou
(Interim Head of Department), European Union Agency for Fundamental Rights (FRA), Schwarzenbergplatz
11, A-1040 Vienna

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

Human Resources and Planing Department - Team Human Resources

3/ Name of the processing

Selection Procedures for recruiting Temporary Agents and Contract Agents.

4/ Purpose or purposes of the processing

Recruitment of Temporary Agents and Contract Agents.

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 their on-line applications through the e-recruitment tool. No use of external database is used to draw up a reserve list of candidates.

The documents listed below refers both to TAs and CAs recruitment procedures.

Documents provided by the data subjects in the application phase are the following:

- Motivation Letter
- CV in Europass Format (see Annex 1)
- On-line Application Form - since April 2008 (see Annex 2)
- Eligibility grid - since April 2008 (annex 3)

Documents provided by the data subjects during the selection phase:

- Legal Entity Form (see annex 4), for data subjects requesting reimbursement of their travel expenses
- Financial Identification Form (see annex 5) for data subjects requesting reimbursement of their travel expenses
- Copy of their Education Diplomas
- Copy of their previous working experiences (i.e., copy of contracts/payslips or any other document proving previous employment)

The selection phase is composed of an interview and/or written test.

The content of the written test is defined in accordance with the level and profile of the position advertised. It combines general aptitudes and language abilities to the extent necessary for the performance of the duties, knowledge of EU environment and specific competencies with reference to the profile.

The evaluation of the data subject is based on the performance of the data subject during the written and oral phase.

Successful candidates are listed in a reserve list. Candidates offered the job will receive copy of the contract (see annex 6a Contract Temporary Agent and Annex 6b Contract of Contract Agent)

Documents provided by the data subjects during the recruitment phase:

- Military certificate from the relevant institution in the data subject's State
- Criminal Records from the relevant institution in the data subject's State
- Medical certificate to prove that the data subject is physically fit to perform the duties of the post
- Copy of ID or Passport
- Certified true copy of the data subject's Education Diplomas
- Certified true copy of the data subject's previous working experiences (i.e., copy of contracts/payslips or any other document proving previous employment)

The recruited candidates should complete the Joint Sickness Insurance Scheme form (see annex 7a) and the Joint Sickness Insurance Scheme Confidential Declaration (see annex 7b)

7/ Information to be given to data subjects

Information is provided on the vacancy notice (See Annex 8a and 8b) and in the FRA's Website (see Annex 9)

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 physically access their data, but should they require further information or wishes to exercise their rights they shall address to the following functional mail-box: recruitment@fra.europa.eu. Any request is analysed by the personell staff and data subject are informed by e-mail accordingly.

Only contact data can be changed at anytime in order to be able to receive any further communication from the Agency. However, information related to the evaluation of the candidacy cannot be change after deadline in order to garantee equal treatment to all data subjects. For the same reason it is not possible to modify/edit the data 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 MS Access database and storage, listing the information (name/address/nationality/telephone /fax/e-mail address/date of birth/gender/knowledge of languages) provided by the data subjects in their CVs. This applies to some on-going selection procedures which are expected to be closed with 2008. Then the system will be out-of-use.

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 for filling in the on-line vacancy application form at the Recruitment Webpage of FRA's Web-site. A Data Protection notice is presented before submitting any data (see Annex 10).

10/ Storage media of data

Electronic storage is thourgh a dedicated e-mail Functional Mailbox with restricted access, through a permission security system, which is granted to personnel staff by the IT Administrators . The same applies for the e-Recruitment application

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 or its delegate
i.e. Personnel staff

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.

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 board members (Annex 11). These documents are given back to the Administration (personnel section) after the conclusions of the Selection Board are established. In case a Selection Board is composed by an external member, the Agency ensures that the external member has the competences to perform the tasks (i.e. to assess the adequacy of the candidates) for which data is transferred. External members may perform the tasks either inside the premises of the Agency or outside. In the latter case the transfer of data is supported with the following text (See Annex 12a): "Please note that in order to respect the Regulation 45/2001 on personal data, please make sure that all the measures shall be taken to ensure a level of security appropriate in order to prevent any unauthorized disclosure or access, accidental or unlawful destruction or accidental loss, or alteration, and prevent any unlawful forms of processing of the data received from the applicants". Selection Board members are made aware of the confidentiality of these personal data and sign a Declaration of Absence of Conflict of Interest and Confidentiality. (Annex 12b). 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. Successful candidates have to undergo a medical examination as foreseen by the CEEC. Currently FRA does not have a medical service within. Candidates are requested to undergo a medical examination and provide the agency with a fit to work (or non-fit to work) medical certificate from a physician/medical center of their choice. FRA reimburses medical expenses incurred in.

13/ Retention policy of (categories of) personal data

The data of candidates (both successful and un-successful) 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 successful. 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 subjects 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 measures.

☐ 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. however, as of 15/05/2008, the Agency will apply a retention policy of 5 years.

List of Annexes:

Annex 1- CV Europass Format

Annex 2 - Application Form

Annex 3 - Eligibility and Selection Criteria Grid

Annex 4 - Legal Entity Form

Annex 5 - Financial Identification Form

Annex 6a - Template Contract for Temporary Agents

Annex 6b - Template Contract for Contract Agents

Annex 7a - Joint Sickness Insurance Scheme Form

Annex 7b - Joint Sickness Insurance Scheme Confidential Declaration

Annex 8a - Vacancy Notice template Temporary Agent

Annex 8b - Vacancy Notice template Contract Agent

Annex 9 - FRA's website Recruitment page

Annex 10 - Data Protection Notice, Privacy statement

Annex 11 - EUMC Recruitment Policy

Annex 12a - Template e-mail in case of External Member

Annex 12b- Declaration Absence Conflict of Interest and Confidentiality

PLACE AND DATE: Vienna, 02/10/2008

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

INSTITUTION OR BODY: FRA

To be filled out in the EDPS' office