

To be filled out in the EDPS' office

REGISTER NUMBER: 438

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 05/12/2008

Case number: 2008-747

Institution: Fundamental 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 Plannig Department - Team Human Resources

3/ Name of the processing

Selection Procedures for seconding National Experts.

4/ Purpose or purposes of the processing

Secondment of National Experts.

5/ Description of the category or categories of data subjects

Data subjects are applicants wishing to be seconded to 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 applications through the recruitment Functional Mail Box (recruitment@fra.europa.eu). No use of external database is used to draw up a reserve list of candidates.

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

- Motivation Letter
- CV in Europass Format (see Annex 1)

Documents provided by the data subjects during the selection phase:

- Legal Entity Form (see annex 2), for data subjects requesting reimbursement of their travel expenses
- Financial Identification Form (see annex 3) for data subjects requesting reimbursement of their travel expenses

The selection phase is composed only of an interview.

During the interview, the data subject will be asked questions predefined by the selection board and designed to assess their suitability for the post.

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

Successful candidates are listed in a reserve list. Candidates offered the secondment will receive copy of the contract (see annex 4).

Documents provided by the data subjects during the recruitment phase:

- Military certificate from the relevant institution in the data subject's State
- 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)

7/ Information to be given to data subjects

Information is provided on the FRA's Website under the Recruitment section for SNEs (see Annex 5)

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 Human Resources 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 changed after deadline in order to guarantee 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.

Manual: Pre-selection and Selection of successful candidates according to the criteria of each specific selection procedure

A DP notice is presented before submitting any data (see Annex 6)

e-Recruitment: as of December 2008 interested parties are responsible to fill in the vacancy application form.

10/ Storage media of data

Electronic storage is through a dedicated e-mail Functional Mailbox with restricted access, through a permission security system, which is granted to Human Resources staff by the IT Administrators.

File system: storage of data during pre-selection and selection stages. Restricted access to Human Resources staff.

In the electronic storage IT staff can access Human Resources 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 SNEs can be found in Commission Decision C (2006)2033 of 01/06/2006 laying down rules on the secondment of national experts to the Commission.

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 7). No use of external board members is foreseen in the selection of SNEs.

These documents are given back to the Human Resources Department after the conclusions of the Selection Board are established. 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 8).

In addition the data of applicants are transferred 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 (both successful and unsuccessful) is kept for 3 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.

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.

At any point the data can be erased upon data subjects request provided there is no conflict with the defined procedure. The data will be erased within 15 working days.

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.(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 - Legal Entity Form

Annex 3 - Financial Identification Form

Annex 4 - Template Contract for SNEs

Annex 5 - Copy of FRA's website Recruitment page

Annex 6 - Data Protection Notice, Privacy Statement

Annex 7 - EUMC Recruitment Policy

Annex 8 - Declaration Absence Conflict of Interest and Confidentiality

PLACE AND DATE: 04 December 2008

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

INSTITUTION OR BODY: FRA