

REGISTER NUMBER: 440

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 05/12/2008

Case number: 2008-751

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: WILL Matthias

3) Title: Head of Unit

4) Directorate, Unit or Service to which the Controller is attached: A.5

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:

3/ Name of the processing

Selection procedure for middle management staff and advisers

4/ Purpose or purposes of the processing

The objective of the middle management selection procedures is to identify and appoint the most suitable official to vacant middle management and adviser functions which are published pursuant to article 29.1(a) of the Staff Regulations.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Candidates for middle management and adviser posts published pursuant to article 29.1(a) of the Staff Regulations

16) Category(ies) of Data Subjects:

See 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

See 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, Sex, Nationality, Telephone Number, (E-mail) Address,

? Education

? Languages (and level)

? Working Experience

? The assessment by the pre-selection panel and the final interview panel as regards the eligibility of candidates, the matching of the application with the selection criteria and the performance during the interview(s).

Data contained in the personal file and previous assessment reports are consulted during the procedure.

No data falling under Art. 10 are processed. However by contacting IDOC some data related to ongoing disciplinary procedures might be processed.

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'

Candidates for a post published at level AD13-14 who send their application to the functional mailbox ADMIN JOB VACANCIES-MANAGEMENT receive an automatic e-mail confirmation that their application has been received and which includes a ?Privacy Statement? (see attachment).

All vacancy notices contain the following information to candidates regarding the consultation of the personal file and IDOC (Investigations and Disciplinary Office of the Commission): "Dans le cadre d'une procédure de sélection visant au pourvoi d'une fonction d'encadrement (intermédiaire ou supérieur) ou de conseiller, l'AIPN responsable ou les services recruteurs (RRH, ADMIN.A.5 ou CCN selon les procédures) pourront consulter le dossier personnel des candidat(e)s afin de vérifier l'information fournie dans leur curriculum vitae ou s'il y est fait mention de sanction disciplinaire. En outre, l'IDOC peut être consulté pour vérifier s'il existe à l'égard des candidat(e)s des procédures disciplinaires en cours. Ces vérifications sont effectuées afin de s'assurer que les possèdent les plus hautes qualités de compétence, de rendement et d'intégrité telles que prévues à l'article 2^o du Statut des fonctionnaires des Communautés européennes."

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' :

See point 15 a) and the attached "Privacy Statement".

Candidates are informed at each step of the procedure. They have the possibility to request for additional information or to express disagreement, either in an informal manner by contacting the president or a member of the preselection panel, or in a formal manner by addressing a message (e-mail or note) to the Director-General concerned and/or the Rapporteur for the procedure. If requested, a retranscription of the conclusions of the pre-selection and/or final interview panels is transmitted to the candidate, the original minutes and/or evaluation grids being at risk of containing comparative elements involving other candidates and being considered to fall under the secrecy of the proceedings of the panels.

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)"

The objective of the middle management selection procedures is to identify and appoint the most suitable official to vacant middle mgt. and adviser functions which are published pursuant to article 29.1(a) of the Staff Regulations. In this context, the Commission collects, manages and stores data relating to candidates who apply for these positions.

The attached documents describe the different steps of the selection procedure, stipulating the data processed, the manner in which data are processed, the intervening actors and the data protection measures taken.

The two documents cover the selection procedure for posts published at level AD9-14 and AD13-14 respectively.

The use of secure e-mail (SECEM) is limited to the last phases of the procedure, in order to avoid problems regarding operational continuity and retrieval of data in the absence (e.g. sickness or leave, mobility or retirement) of the colleague having dealt with the file.

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The processes are to a large extent not automated. The objective is to develop an integrated workflow-type process in Sysper2 in the course of 2009. This future version will render obsolete the current limitation on the use of SECEM. It will be notified in due time to the DPO.

8) Automated Processing operation(s):

See documents attached to point 7.

9) Manual Processing operation(s):

See documents attached to point 7.

10/ Storage media of data

Selection files, including applications and evaluations of candidates, are stored electronically and physically (on paper):

- in DG ADMIN:

- Electronic archives: Outlook: folders only accessible to staff members of ADMIN.A.5; Drive R:\Encadrement, accessible only to staff members of units ADMIN.A.5 and ADMIN.CCN.PROC.

- Paper archives: ADMIN.A.5 paper archives locked in a room. The selection dossiers are destroyed 10 years after the end of the selection procedure. In case of legal action against the appointment decision, the 10 years retention period is extended until one year after the final decision.

- The recruiting DGs also file information regarding the selection procedures in full respect of the same confidentiality and archiving rules, applied however according to the particular situation of the DG concerned.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Article 29.1(a) of the Staff Regulations.

Commission Decision C(2008)5028 on middle management staff, adopted on 10 September 2008 (in annex).

Commission Decision C(2008)5029 concerning the function of adviser, adopted on 10 September 2008 (in annex).

Commission Decision C(2005)4563 on the Rules of Procedure for the Consultative Committee on Appointments, adopted on 23 November 2005 (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 and Recital 27 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 ? Functioning of the institution and management of staff.

Since processing is intended to evaluate the ability of candidates, it should be subject to a prior checking by the EDPS pursuant Art. 27(2) b) 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 point 7.

21) Category(ies) of recipients:

See point 7.

13/ retention policy of (categories of) personal data

See point 7.

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 under the administrative complaint procedures foreseen by the Staff Regulations, 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

N/A.

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:

N/A.

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

7) Description of Processing:

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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,

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,

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:

None.

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

N/A.

37) Complementary information to the different questions if applicable, including attachments to this notification which should not be public :

None.

PLACE AND DATE:05/12/2008

DATA PROTECTION OFFICER: Administrator

INSTITUTION OR BODY:European Commission