

**REGISTER NUMBER: 451**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 06/01/2009

Case number: 2009-013

Institution: European Commission

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 address of the controller

2) Name and First Name of the Controller: COLOMBO Paola

3) Title: Head of Unit

4) Directorate, Unit or Service to which the Controller is attached: DIR.01

5) Directorate General to which the Controller is attached: BEPA

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

Spontaneous Job Applications

4/ Purpose or purposes of the processing

The purpose of processing is to collect spontaneous CVs, in order to constitute a reserve of potentially suitable candidates for future job openings in BEPA. The list of potential candidates is submitted for consideration to the BEPA Management Team who decides whether the applicant should be retained for a possible position in BEPA.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Data subjects are spontaneous

- a) candidates, either sending via the Internet, or laureates from EPSO competitions and selections
- b) external applicants to calls for interest or for establishing a specific recruitment reserve, or to a specific job vacancy.
- c) external applicants to an internship

16) Category(ies) of Data Subjects:

see 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

Data are those provided spontaneously by the candidate.

Data fields could include:

Personal Details  
Work Experience Education  
Training  
Languages  
Skills and competencies  
Publications  
References

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

see 17)

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'

Distinct replies (see attachments) will be provided for candidates falling in the 3 categories below:

- 1) internship candidates
- 2) unsuitable candidates
- 3) potentially suitable candidates

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' :

Once sent by the Candidates, his personal data and CV will be retained only by the Human resources staff in BEPA.

If applicants wish to access, check, update or delete their CV, they should write an email message giving full details of their request to the functional mailbox: BEPA-spontaneous-job-application@ec.europa.eu

#### 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)"

BEPA receives unsolicited job applications and Curricula Vitae (CVs) from persons interested in working at the Commission, including Laureates of Competitions. As such documents contain personal data, handling those require BEPA to comply with Regulation (EC) 45/2001 on Data protection.

Therefore, the general rule to handle these documents is not to keep them, and inform the applicants that a new specific system has been put in place to collect CVs: "EU CV Online".

However, because of its specificities (including high turn-over of staff; possibilities of recruiting temporary staff with AT2c contracts, in accordance with Commission Decision 28/04/2004 as amended), it is appropriate for BEPA to keep CVs of potentially suitable candidates as a source of choice for specific job openings. BEPA has therefore put in place a system for dealing with unsolicited job applications, ensuring that all necessary steps are taken for having all related processing operations on personal data in full compliance with Regulation (EC) 45/2001.

Prior checking is needed due to the processing of personal data in view of evaluating the candidates professional abilities (Art 27 2 b).

##### 8) Automated Processing operation(s):

N/A

##### 9) Manual Processing operation(s):

All applications received by email are forwarded to a functional mailbox / restricted electronic folder.

#### 10/ Storage media of data

Data are stored on a restricted folder of the functional mailbox. The note to the file recording the outcome to the interviews (based on the feedback of the interviewers) is kept in a locked closet in the secretariat office of the Head of the Coordination Unit.

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

##### 11) Legal basis of Processing:

Commission Decision 28/04/2004 as amended.

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)"

The processing is necessary and lawful under Art. 5.a. of Regulation (EC) n° 45/2001.

Prior checking is advised with respect to processing personal data in view of evaluating the candidates professional abilities (Art 27 2 b).

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

20) Recipient(s) of the Processing:

Human resources management staff within BEPA (Head of Unit + 2 staff members of the Coordination Unit) and the BEPA management team.

21) Category(ies) of recipients:

see 20)

13/ retention policy of (categories of) personal data

The data will be kept for 6 (six) months ? or less in case the candidates are unsuitable (immediately destroyed) . After that period, they can decide to resend the data again if they wish to renew their application.

The note for the file recording the outcome to the interviews is kept for administrative reasons for a period of one year.

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

Erasure of personal data, CV or application at the request of the candidates will occur immediately after the treatment of the spontaneous application.

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

No historical, no statistical records are kept

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)*:

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Prior checking is advised with respect to processing personal data in view of evaluating the candidates professional abilities (Art 27 2 b).

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,

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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:

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

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

Complete internal procedure for handling unsolicited job applications.

PLACE AND DATE:06/01/2009

DATA PROTECTION OFFICER: RENAUDIÈRE Philippe

INSTITUTION OR BODY:European Commission