

REGISTER NUMBER: 465

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 15/02/2009

Case number: 2009-044

Institution: EACI

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

Mr Guido de Clercq, Head of Unit Ressources, European Commission, EACI, MADO 04/09, B-1049 Brussels

2/ Organisational parts of the institution or body entrusted with the processing of personal data
Sector "Human Ressources"

3/ Name of the processing
Selection procedure of staff.

4/ Purpose or purposes of the processing
The selection of personal is necessary for the proper daily functioning of the agency. The requested information is necessary to ensure that recruitment shall be directed to securing the services of staff of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of the Member States of the Communities.
The personal data processed within the recruitment procedure fall under Article 27.2(b) of Regulation (EC) No 45/2001. Confidential data is stored.

5/ Description of the category or categories of data subjects
EACI seconded officials, temporary agents and contract agents

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

The following data are requested from selected candidates to establish their personnel file:

- Personal details (Forename, Surname, Gender, Date & place of birth, Nationality, Address, Phone(s), Fax, E-mail)
- Work experience (including for each experience: start and end date, sector, employer's name, country, position held, domains, organization size, management experience, main achievements)
- Education (including for each diploma: start and end date, educational level, diploma obtained, domain, establishment's name, place, country)
- Training (including for each training period: year of the training, duration, subject, name of the institution, place, country)
- Languages (including for each language: language name, proficiency (speaking, writing, reading, understanding and translation level))
- Skills and competences (social skills and competences, organisational skills and competences, technical skills and competences, informatics skills and competences, artistic skills and competences, other skills and competences)
- Publications (title of the publication, date, editor, URL)
- Persons that agree to serve as reference to the applicant (Forename, Surname, position, contact details)

7/ Information to be given to data subjects

The posts are generally announced in the internet page of the Agency. A privacy statement is attached to the description of the post (see attachment I) providing that his data are processed in accordance with Regulation 45/2001, giving the name of the data controller, informing of the possibility of access and rectification of his/her inaccurate data and providing information about the retention period, legal basis and right to complaint to the EDPS at any time.

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

The publication of a privacy statement (see above). It provides that data subjects are granted access to their data at any moment and that they have the right to rectify any inaccurate data. They can also block, erase or object on the basis of justified reasons, that have to be accepted. The request should be done in general by written but some oral requests of access could eventually also be accepted.

9/ Automated / Manual processing operation

Both. Concerning the manual processing, it concerns the following: (1) Initiation of the selection procedure; (2) Nomination of the selection panels; (3) All of the selection committee processes are done manually i.e. screening of applications and assessment of candidates and issuing of recommendation to the AHCC; (4) Information exchange with candidates. On the automated processing, the following activities are concerned: SYSPER in the event of Detached Officials The Agency web site for all external selections (3) The EPSO website for all external selections; (4) The web sites of nation foreign affairs ministries via the Permanent Representations for all external selections;

Application procedure and information repository

The CVs from applicants are received and stored using the following tools: EU CV on-line external selection procedures:

EPSO databases (cast 25 & 27 lists) for contract agent selection procedures in FG I, II, III and IV when not advertised externally.

Only designated staff from the Agency's HR sector, and the concerned selection committees members, designated by the AHCC, have access to the different electronic applications.

10/ Storage media of data

Only secured applications with restricted access (EU CV ONLINE, CARL) are used Electronic data is access A37; where paper copies are used.

11/ Legal basis and lawfulness of the processing operation

Regulation (EC) No 45/2001, Article 5(a): the processing is necessary for the legitimate exercise of official authority vested in the Community institution or body and/or the processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties or other instruments adopted on the basis thereof.

In addition, the process is lawful under Article 5 (d) meaning that the data subject has unambiguously given his or her consent.

The process is also lawful under Article 5 (d) as the selection procedure is based on and made in accordance with the Staff Regulation of officials and the conditions of employment of other servants of the European Communities and EACI implementing rules on the selection and recruitment of its different statutory staff, as adopted by the Steering Committee.

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

The personal data concerning the candidates will be disclosed to:

- The members of staff of the HR sector responsible for the selection
- The members of the selection committee
- The Director of the Agency (who will in general interview the person after the person has passed the committee)

The data contained in the recruitment file are disclosed to

- the staff members in the HR sector
- the Agency's Appointing Authority
- Pay Master Office (PMO on the basis of a Service Level Agreement) and the Medical Service of the Commission (on the basis of a Service Level Agreement). On those two cases, the recipients will be informed *shortly* (in the communications that will take place at the beginning of the year 2009) of their obligation to not to use the data received for other purpose than the one for which they were transmitted in accordance with Article 7(3) of the Regulation.
- Upon request, the staff member himself for consultation

13/ retention policy of (categories of) personal data

In case of recruitment of a candidate, his/her data will be kept in his/her personal file throughout the employment at the Agency. The personal files of official, contract and temporary agents will be retained for a period of ten years as of the termination of the employment or as of the last pension payment slip is sent.

Data pertaining to applicants having been invited for an interview during the course of a given selection procedure will be kept for a period of 2 years following the recruitment procedure.

Data related to applicants not invited for an interview will remain in the EU CV on-line database, in the case of external selection procedures, or in the EPSO databases. As regards the former, the data will be retained for a period of 12 months. Data will be automatically removed at the end of this period.

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)

Usually immediate but at maximum within 5 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,

Data can be kept for statistical reasons but in a form that does not permit identification. In principle is not applicable.

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,

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

Please find enclosed attachment I, the privacy statement. Please note that data revealing racial or ethnic origin, data revealing political opinions, data revealing religious or philosophical beliefs, data revealing trade union membership, data revealing health or sexual orientation are treated only in as much as these data appear "spontaneously" in the curriculum vitae they are processed for consultation purposes only. For example, some curriculums may contain a photo of the person which may reveal his racial or ethnical origin or some indication about his/her religious or philosophical beliefs.

In case of transfer of data, the controller will remind all recipients of their obligation not to use the data received for other purpose than the one for which they were transmitted and of their obligations in the light of the confidentiality and security requirements pointed out in Article 23 of the Regulation.

PLACE AND DATE: Brussels 22.12.2008

DATA PROTECTION OFFICER: Elena Fierro

INSTITUTION OR BODY: Executive Agency for Competitiveness and Innovation (EACI)