

REGISTER NUMBER: 467

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 15/02/2009

Case number: 2009-059

Institution: ECDC

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

Jessica Mannheim, Head of Human Resources Section. Tomtebodavagen 11 A SE 17183 Stockholm,
Jessica.Mannheim@ecdc.europa.eu

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

Recruitment, Human Resources, Administrative Services Unit

3/ Name of the processing

Recruitment and Selection Process of Temporary Agents and Contract Agents

4/ Purpose or purposes of the processing

To select temporary and contract staff for ECDC and to comply with Staff Regulations (SR) and Conditions of Employment of Other Servants (CEOS).

5/ Description of the category or categories of data subjects

All candidates applying for posts of statutory staff (TA, CA) at ECDC. This could also include non EU/EEA citizens who applied although not eligible and whose data is processed.

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

Categories of personal data whose processing is prohibited, with exceptions, by Regulation 45/2001 usually include: data revealing racial or ethnic origin (e.g. photos) and data concerning health (notably disabilities). Data revealing political opinions, trade-union membership and/or sex life (e.g. name of partner) may be revealed at times as part of the application documents. Data likely to present specific risks may include data relating to suspected offences, offences, criminal convictions (through auto-declaration of criminal record) and data being used to evaluate personal aspects of the data subject (ability, efficiency).

Other categories of personal data may include data concerning physical characteristics of persons, data concerning the data subject's private sphere and family, concerning his/her career, concerning telephone numbers and communications; they include a statement of military obligations and statement of medical status.

7/ Information to be given to data subjects

A Privacy Statement is included in every vacancy notice:

"Please note that the personal information ECDC requests from applicants will be processed in line with Regulation (EC) N° 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. The purpose of processing of your personal data is to support the selection procedures at ECDC. This processing may involve distribution of this data to other Community institutions. For further information or exercise of your rights (such as the right to access or the right to correct my data), contact can be taken with the Human Resources section."

Revision and update of this Statement, according to the EDPS guidelines is planned for 2009.

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

After the closing date of submitting candidatures, rectification of data related to the eligibility and selection criteria is not possible; identification data can instead be rectified at any time. Request for modification may be submitted by email to the Data Controller and/or to the recruitment mailbox as clearly indicated in every vacancy notice. Data subjects are given access to their evaluation results regarding all stages of the selection procedure (pre-selection, interview and written tests) with the following exceptions: (1) access cannot be granted to the comparative data concerning other applicants, (2) access cannot be granted to the individual opinions of the members of the Selection Committee, (3) only aggregated results can be available.

9/ Automated / Manual processing operation

Personal data are processed manually (e.g. application documents sent by email and storage of paper files) and in a non-automated manner (essentially through excel files with list of candidates' identification data)

10/ Storage media of data

Electronic files are stored on shared directory (e.g. application files sent by email, excel databases). Most electronic files (essentially application documents) and all evaluation documents (e.g. assessment sheets, appointment documents) are stored in paper format. Both electronic and paper files are protected and their access is restricted (see item 18).

11/ Legal basis and lawfulness of the processing operation

Legal basis (Treaty, Regulation, Decision, etc.) for this processing operation are:

- Staff Regulations, art. 5 and 27-34 (which ECDC applies to TA by analogy) and CEOS in its entirety (especially art. 12-15 (for TA) and art. 82-84 (for CA))

Moreover the processing operation meets a functional need of the service and data subject unambiguously consent to the processing

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

Head of HR, Recruitment Team (one recruitment officer and two assistants), Selection Committee members (3 per selection on average), Appointing Authority (Director of ECDC).
Upon specific request in the frame of their mission, auditors (Internal Audit Service, Court of Auditors, Internal Audit Capability) may have access to the file under control of an authorised HR officer. Possibly selected staff members of the Finance Section (Financial Assistant and Resource Officer) and Mission and Meetings Section (Head of MML and Travel Assistant) of ECDC are provided with a list of names, contact details (emails and telephone numbers) and country of origins of candidates invited for interviews in order to conclude travel arrangements.

13/ retention policy of (categories of) personal data

ECDC Data Retention Time-Limit policy is currently being drafted and is expected to be adopted by the Director of the Centre in 2009. The policy will take into consideration the suggested differentiation in three categories: *recruited applicants*, *non-recruited applicants* and *non-recruited applicants on the "reserve list for appointment"*.

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)

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 are kept for historical and statistical purposes in an anonymous form.

15/ Proposed transfers of data to third countries or international organisations

No transfer of data is envisaged

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

The processing operation presents specific risks as it presents records relating to health (disabilities), a auto-declaration of criminal record and a throughout assessment of personal capabilities and skills.

Finally the data processing operation may concern highly sensitive data such as personal characteristics and personal history (which can comprise family situation, political opinions, sexual orientation, religious belief) that are not requested by might be spontaneously provided by the applicant.

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

PLACE AND DATE: Stockholm (Sweden), 19/01/2009

DATA PROTECTION OFFICER: Elisabeth Robino

INSTITUTION OR BODY: European Centre for Disease Prevention and Control (ECDC)