

**REGISTER NUMBER: 480**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 15/02/2009

Case number: 2009-124

Institution: CFCA

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 adress of the controller

Niall McHale, Head of Unit Resources, Community Fisheries Control Agency, Avda. Garcia Barbon, 4, E-36201 Vigo

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

Unit Resources, Human Resources Sector

3/ Name of the processing

Recruitment Procedures: Temporary Agents and Contract Agents.

4/ Purpose or purposes of the processing

To recruit Temporary Agents and Contract Agents to work at the CFCA.

5/ Description of the category or categories of data subjects

Applicants for the posts published by the CFCA.

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

European CV: surname, first name, telephone, fax, e-mail, address, nationality, date of birth, gender, work experience, education and training, mother tongue, knowledge of other languages, personal skills and competences, other skills and competences, driving licence.

Declaration of honour.

Motivation Letter.

Copy of certificates and employment transcripts (for those coming to the interviews).

Legal Entity and Financial Identity Forms (for those invited to the interview having the right to be reimbursed).

Extract of Criminal Record (only for the person to whom a position is offered and who is about to be recruited)

- This document is not placed in the recruitment file.

A template of the screening table used at CFCA is attached (Annex I).

7/ Information to be given to data subjects

Information on the personal data protection is included to the general text for each published vacancy with the following text:

"D. Data Protection

Any personal data provided by the Applicant shall be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movements of such data. It shall be processed solely for the purposes of the recruitment exercise. The Applicant shall have the right of access to his/her personal data and the right to rectify data relating to the contact details contained in his/her application that is inaccurate or incomplete at any time during the selection procedure. However, the Applicant can rectify data relating to admissibility criteria only until the closing date of the submission of applications. Should the Applicant have any queries concerning the processing of his/her personal data, (s)he shall address them to the Controller of the data, Head of Unit Resources.

The Applicant shall have right of recourse at any time to the European Data Protection Supervisor ([www.edps.europa.eu](http://www.edps.europa.eu))."

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

The Applicant has the right of access to his/her personal data and the right to rectify data relating to the contact details contained in his/her application that is inaccurate or incomplete at any time during the selection procedure. However, the Applicant can rectify data relating to admissibility criteria only until the closing date of the submission of applications. The HR section introduces the admissible changes in the electronic and hard copy recruitment files. An example of an electronic recruitment file is attached in Annex II. The hard copies have the same structure.

In relation to any other requests, if the data subject requests the Controller orally, by email or by paper to exert his/her rights, the Controller will facilitate the applicant the exercise of the rights.

#### 9/ Automated / Manual processing operation

Recruitment of temporary and contract agents follows the rules adopted by the Agency (following relevant Administrative Board decisions), following the guidelines issued by the Commission, and the implementing rules of the EU Staff Regulations and conditions of employment of others servants already issued. The selection procedure includes the following steps:

1) Publication of a vacancy notice: Each vacancy has the same structure and is composed of the following elements: CFCA/Statut/Grade/Name of post/Code – i.e. CFCA/TA/AST1/Secretary/0000. The HR Section uses always templates for the publication of vacancies, checks the grading level, the position number, if the deadline for applications is consistent (minimum 3 weeks as of date of publication), the eligibility criteria in regard to the grading. Then the HR Section reads carefully the whole vacancy tracking spelling mistakes, layout mistakes and content mistakes.

2) Publication: Once the draft of the vacancy is accepted by the Executive Director (ED), the vacancy must be published on:

- The Agency's website (<http://cfca.europa.eu/>) - following the procedure for publishing vacancies on the CFCA website and informing by email the CFCA IT Helpdesk.
- The EPSO website under "Non permanent posts" ([http://europa.eu/epso/temp-staff\\_en.htm](http://europa.eu/epso/temp-staff_en.htm)) – by sending an email to [EPSO-WEBMASTER@ec.europa.eu](mailto:EPSO-WEBMASTER@ec.europa.eu) copying relevant HR colleagues, with the following content for each vacancy: "The Community Fisheries Control Agency (CFCA) is seeking to set up reserve lists for:

Temporary agent (M/F)

"Job Title" (F/M)

Ref.:CFCA-TA-ASTX-XXXX

Grade: ASTX

Deadline for applications: 31 August XXXX

Location: Vigo, Spain

[http://www.cfca.europa.eu/recruitment\\_en.htm](http://www.cfca.europa.eu/recruitment_en.htm)"

3) Setting up Selection Boards for each position, including representatives of the Agency, the staff committee and at least one external member for drawing a list of the most qualified applicants for the posts. The HR Section prepares ED Decisions for the composition of the Selection Boards (1 decision for each recruitment procedure).

#### 4) Reception of the applications

The applications must be sent within the mentioned deadline in the following mailboxes:

For temporary agent positions: [cfca-vacancies-ta@cfca.europa.eu](mailto:cfca-vacancies-ta@cfca.europa.eu)

For contractual agent positions: [cfca-vacancies-ca@cfca.europa.eu](mailto:cfca-vacancies-ca@cfca.europa.eu)

For seconded national experts positions: [cfca-vacancies-sne@cfca.europa.eu](mailto:cfca-vacancies-sne@cfca.europa.eu)

An automatic acknowledgment of receipt is sent out to each candidate.

The mailboxes are checked each morning until the deadline date.

#### 5) Treating of the applications

The HR section prints each e-mail of the applicants with all attachments, then fills in the screening table up to the application criteria field and puts the applications in the respective CVs file by alphabetical order.

The requested documents are:

- CV in European Format
- Motivation letter
- Declaration of honour

The printed application should be classified in the following order:

- Email front page
- CV in European Format
- Motivation letter
- Declaration of honour

#### 6) Screening

Once the deadline date is reached and all the CVs are printed, the HR section completes the rest of the screening table for each position. A template of the screening table is attached in Annex I.

#### 7) Pre-selection meeting

The HR section prepares a file for each member of the Selection Board containing:

- Selection board check-list (saved under: P:\Agency\2 Unit A Common\1 Human Resources\RECRUITMENT\Recruitment files\Selection Board Check List.doc)
- a copy of the vacancy
- a copy of the screening table with all the candidates
- a copy of the eligible candidates' CVs

The HR section also prepares the form "Declaration of absence of conflict of interest" for each member of the Selection Board. This form has to be signed by each of the Selection Board members and returned to the HR section. The HR section also prepares a draft report of the pre-selection meeting in advance and provides it to the Selection Board so that it can be completed and signed as soon as possible. Once signed by all the members of the Selection Board, the HR section submits it to the ED with the note to his signature where he approves the Selection Board's choice. Upon reception of the signed report and the related acceptance of the ED, the HR Section files the original in the recruitment binder for that post and a scanned version in the respective electronic file. The ED also signs an estimation of expenses for candidates to be invited from abroad.

#### 8) Negative letters to non pre-selected candidates

Once the pre-selection report is signed by the Selection Board and approved by the ED, the HR section prepares the mail merge for the negative letters for all the candidates that have not been pre selected. At this point, the HR section also informs the applicants who applied out of deadline. The letters are signed by the Chairperson of the Selection Board. When all letters are signed, the HR section copies (recto/verso) all letters for the recruitment file and includes a scanned version in the electronic recruitment file.

#### 9) Inviting Candidates to the Interview

According to the pre-selection conclusions and the signature of the authorisation of expenses for invitation to interviews by the ED, the HR section prepares the invitation letters (copy the person responsible from the Finance section for the reimbursement of travel expenses for candidates coming from abroad).

Then, the HR section:

- Prepares the Agenda of the interviews,
- Puts the candidates coming from Vigo and nearby at earliest time in the morning,
- Each candidate should have +/- 40 minutes interview (HR section always checks the pre-selection report),
- Prepares the invitation letter for each candidate (Secretariat General registers each letter),
- Sends the invitation letter to the selected candidates by e-mail.

The same subject name is given to the invitation e-mails: Interview - Name of the post + N° With the invitation letter, each candidate also gets attached documents to fill-in and bring with him/her the day of the interview to allow the reimbursement of his/her travel expenses (as indicated in the invitation letter):

- Rules for reimbursement of Travel Expenses
  - Contribution to Travel and subsistence expenses document
  - Legal Entity document
  - Financial identification document
- 
- Saves the e-mail invitations with the letters.
  - Saves the confirmation or other answers as well.
  - Sends the invitation letter and all necessary forms to the selected candidates by normal post.
  - If no answer is received from the candidate within 2 days, the HR section calls him/her to check.

#### 10) Interviews

The HR section:

- Prepares the file for the Members of the Selection Board

This should contain:

- Interviews Planning
- Interview questions
- Candidates applications
- Vacancy note- Screening Grid
- Selection Board Check-list (saved under: P:\Agency\2 Unit A Common\1 Human Resources\RECRUITMENT\Recruitment files\Selection Board Check List.doc)

- Follow-up on the documents to be collected the day of the interview

Interview of the selected candidates, with where necessary, written tests on the area of expertise of advertised position. All steps, including the assessment by the members of the Selection Board, are recorded in writing and are subject of minutes. A short list of the most suitable candidates is proposed by the Selection Board to the Appointing Authority, who decides on the offer of employment and the reserve list.

#### **Travel costs**

- Reimbursement request form
- Legal entity form
- Photocopy of ID card or passport
- Financial identification dated and signed

=> This document should also have a stamp from the bank or a bank account statement.

- Travel tickets (plane, train, metro, taxi)

=> put a "Reçu le" stamp on each ticket and document; all tickets & boarding passes must be ORIGINALS

#### **Diploma & work certificates**

- Copies of diplomas giving access to the position (see vacancy)
- Copies of work certificates clearly mentioning the duration of employment.

Candidates must come to the interviews with the originals and the HR section makes copies and certifies them with the stamp + date + paraph

#### 11) Report of the Selection Board

HR section prepares the draft of the conclusions report following the interview sessions in advance and provides it to the Selection Board so that it can be completed and signed as soon as possible.

Once the final report is signed by the Selection Board and approved by the ED, the HR section prepares the offer letter(s), the reserve list letter(s) and negative letter(s) after interviews. The HR section also prepares and sends out a 'thank you letter' to all external members of the Selection Board.

#### 12) Offer letter

- Once signed by the ED and registered by the Secretariat General, the HR section makes 2 copies of the letter, one for the recruitment file, another for the personnel file.
- Before the offer letter is sent out, the HR section checks if the candidate is eligible, prepares a draft grading grid based on the copies of diplomas and work certificates brought the day of the interview.
  - If everything is in order then the HR section sends the offer by email and normal post. The successful candidate is called if he/she does not reply in 2-3 days in order to ensure that he/she received the letter.

#### 13) Offer follow-up - confirmation of the candidate

When the candidate confirms his/her interest for the post, his/her personnel file is set up/ developed.

#### 14) Medical visit

- HR section calls the candidate to ask him/her 2 or 3 dates convenient for him/her in order to come for the medical visit which starts at 08.00 AM.
- Then sends an email to ADMIN SERV. MEDICAL RENDEZ-V mailbox with the elements below for the appointment request

- The medical service usually replies the same day confirming one of the proposed dates in the appropriate line

Name

Statut

Nationality

Birth Date

Language

Proposed dates

Confirmed date

- Then the HR section sends the email invitation to the candidate copying the person in charge of travel costs reimbursements (including the access map to the Medical Service in Brussels).
- The HR section completes the Newcomers tab of "Staff table CFCA"
- Once the HR section receives the medical clearance from the medical service, the candidate is informed by phone or email as the HR section receives it before him/her most of the time.

#### 15) Extract of criminal records

The HR section asks for this document, in order to be able to sign the contract with the newcomer (in accordance with Art. 28 of the Staff Regulations and 12(2) CEOS). This document is saved under his/her personnel file (only hard copy), in a special section.

#### 16) Grading committee

Currently the grading committee is composed by the Secretary General and by the Head of Unit Resources.

The grading file contains the following documents:

1. the vacancy notice
2. the grading implementing rules
3. the medical clearance
4. the CV
5. a certify true copy of the diploma giving access to the position
6. a certify true copy of work certificates mentioning the duration (from ... to or the employment contract + the last payslip)
7. the grading grid
8. the grading note

The original grid & note are saved under the staff member's personnel file.

#### 17) The contract

Once the grading file has been signed by all the members of the grading committee, the HR section prepares the employment contract in accordance with the final grade. Should the grading committee have not signed the final grade yet, the HR section prepares the contract with the provisional grade. In this case, the HR section has to amend the contract when the final grading is signed.

The contract is printed in duplicate, one original for the staff member the other one for his/her personnel file.

Before the HR section gives the contract to the staff member, the HR section makes sure that all the necessary documents have been provided (for example the criminal record & last payslip).

#### 10/ Storage media of data

Hard copies and electronic files: The HR section keeps the data in hard copies that are always locked in cupboards or in open cupboards but the HR office room is always locked when HR personnel is not in the office. The HR section also has a scanned version of all important documents as electronic recruitment files are kept for each procedure.

Please find below the index of the CFCA recruitment files

Recruitment file index

1. Vacancy notice and publication of the vacancy notice
2. List of applications (alphabet. + nb)
3. Screening table (alphabet. + nb – idem 2)
4. Copy of all eligible applications (see annexed file(s) yellow label)
5. Copy of non-eligible applications (see annexed file(s) yellow label)
6. Composition of the Selection Board
7. Proposal of Board to the ED/Pre-selection report
8. Decision of the ED – short list
9. Agenda / CVs of pre-selected candidates / Invitation letter for interviews and confirmation of attendance
10. Tests/List of interview questions
11. Proposal of Board to the ED/Final report
12. Offer of post and reply
13. Letters for reserve list
14. Negative letters
15. Reimbursement of travel expenses

11/ Legal basis:

Staff Regulations of Officials (SR) and the Conditions of Employment of Other Servants of the European Communities (CEOS), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68 last amended by Council Regulation (EC, EURATOM) No 31/2005 of 20 December 2004, and in particular Art. 27-34 SR and Arts. 12-15 and 82-84 CEOS.

Council Regulation (EC) No 768/2005 establishing a Community Fisheries Control Agency, and in particular Art.19 thereof.

Lawfulness of the processing operation:

1. In accordance with the Reg. 45/2001, art. 5 (a) – public interest.

The operation is performed in the public interest, as the CFCA needs to be able to recruit staff in order to fulfil its mandate.

2. In accordance with the Reg. 45/2001, art. 5 (d) – consent of data subject.

The operation is performed after the data subject has unambiguously given his/her consent, as the participation in the recruitment procedure is not mandatory.

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

Human Resources Section (person/s in charge of supporting the Selection Board).

Members of the Selection Board and Secretariat of the Selection Board. All nominated by a decision of the ED. AIPN (ED)

Should the applicant's name be put on a reserve list and should a similar vacancy arise in another Unit, the Head of Unit (and/or Project Officer in the Sector) to which the vacancy belongs can have access to the CV and results of the evaluation of the applicant.

For audit purposes to the Internal Auditor, IAS, CoA.

Whenever necessary the Controller reminds all recipients of their obligation not to use the data received for any other purpose than the one for which they were transmitted.

13/ retention policy of (categories of) personal data

Since the CFCA is a new Agency (started its activities in September 2006), for the time being the documents relating to all recruitment procedure exercises have been kept. From now on, the following data retention periods will be applied.

Recruited applicants: Data retention period 10 years as of the termination of employment or as of the last pension payment

Non-recruited applicants: Data retention period +-2 years following the recruitment procedure (to allow possible review of decision taken in selection procedure and for budgetary and audit purposes- Art. 49 IR of GFR)

Non-recruited applicants on the "reserve lists for appointment": +- 2 years following the termination of validity of the respective reserve list

Criminal record/police record/certificate of good conduct: as long as the personnel file is kept

Other special categories of data (sensitive data such as disability): is deleted once no longer necessary for recruitment or reimbursement purposes or following the date when any follow-up procedure has been completed. However, in the case of successful applicants, such data can be forwarded to the personal file in case special arrangements are required throughout the whole period of employment.

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 data may be blocked/ erased on request of the data subject concerned if it is not needed any more  
(neither for the purpose of administering the reserve list, potential appeals nor auditing purposes).

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,*

N/A

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

N/A

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

The applicants CV is evaluated in relation to the requirements set out in the vacancy notice. Before the contract is signed with the selected candidate, the candidate has to provide a criminal record and to pass a medical examination resulting in a medical aptitude certificate.

AS FORESEEN IN:

X Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

X 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: Vigo, 12 February 2009

DATA PROTECTION OFFICER: Rieke ARNDT

INSTITUTION OR BODY: Community Fisheries Control Agency