

REGISTER NUMBER: 481

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 15/02/2009

Case number: 2009-133

Institution: EFSA

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

Nicoline Le Gouriérec, Head of Human Resources Unit & Recruitment officers in the HR Unit

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

Human Resources Unit - Recruitment officers and HoU, Selection Board members, Director of Administration, Executive Director

3/ Name of the processing

EFSA staff selection and recruitment procedure for Temporary Agents (TA), Contract Agents (CA), Seconded National Experts (SNE) and Trainees

4/ Purpose or purposes of the processing

Processing of employment applications in view of selection and possible recruitment as various staff categories, namely: (1) Statutory staff at EFSA: Temporary Agents (TA), and Contract Agents (CA), (2) Seconded National Experts (SNE), (3) Trainees

5/ Description of the category or categories of data subjects

All candidates submitting an application for a position as Temporary Agent, Contract Agent or Seconded National Expert at EFSA following a vacancy notice. All vacancy notices are announced on the EFSA website. All candidates for in-service training at EFSA.

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

A) External recruitment procedures organised by EFSA - application form for TA and CA positions at EFSA: Concerning applications for TA and CA positions at EFSA, personal data are collected from data subjects using a standard EFSA job application form, either on paper or through an on-line system (preferred method). The standard EFSA job application form, either on paper or on-line, collects the following personal data: (1) language used to complete the form, (2) name, (3) complete address for correspondence, (4) date of birth, (5) gender, (6) nationality, (7) knowledge of Community languages, (8) education history (9) list of office automation skills, (10) professional experience record, including the reason for leaving for the most recent occupation, (11) compulsory military or civil service record, (12) total years of professional experience, (13) a descriptive part of any other relevant facts (e.g. residence or prolonged travel abroad,) not included in point 10, (14) publications, (15) 2 references, (16) notice period to be observed before taking up duty, (17) objection against inquiry with present employer, (18) declaration of honour, (19) signature

The information in points 1 to 10 above (except for the annual salary and except the reasons for leaving the previous position, conform the EDPS recommendation), 11, 12 and 18 is compulsory to be provided for a valid job application; information requested in other parts of the application form is optional. The applicant is informed by means of a notice in the form. **Further personal data at stake in the course of the candidate selection & staff recruitment process for TAs and CAs are:** (1) Forms for internal use by the HR Unit and the Selection Board in the staff selection process: interview scoring grid / the final report, detailing the appreciation of the Selection Board on the occasion of the candidates interview. (2) Medical data in the context of the pre-employment medical visit of those candidates who made a successful interview and who are retained for recruitment. (The processing of medical data in the context of staff recruitment has been notified separately and has been prior checked by EDPS (EDPS prior checking case 2006-365)

B) Recruitment of CAs based on EPSO longlist: Applications for EPSO's longlist are being dealt with through EPSO. Further personal data processed in the course of the candidate selection & staff recruitment process for CAs based on EPSO longlist: (1) Forms for internal used by the HR Unit and the Selection Board in the selection process of CAs from the EPSO longlist: Interview scoring grid, The Final Report, detailing the appreciation of the Selection Board on the occasion of the candidates interview (2) Medical data in the context of the pre-employment medical visit of those candidates who made a successful interview and who are retained for a position at EFSA

C) Selection of Seconded National Experts (SNE's): Applications for SNE positions are to be made by completing and submitting a Europass CV and motivation letter. The submission of applications can be done through electronic or registered mail. Further personal data at stake in the course of the candidate selection process for an SNE: In case interviews are held, Interview scoring grid & reports, detailing the appreciation of the concerned Head of Unit.

D) Selection of in-service trainees: Applications for trainee positions are to be made by completing and submitting an application form. The submission of applications can be done through electronic mail. Further personal data at stake in the course of the candidate selection process for a trainee: Interview scoring grid & reports, detailing the appreciation of the concerned Head of Unit/Training Adviser and the HR-Officer.

Important clarification: Except for medical certificates in the context of the pre-employment medical visit, none of the special categories of data in the sense of art. 10 (1) of the DP Regulation are addressed in the EFSA staff recruitment process. Information on disability, photographs and other data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership is not requested in the context of EFSA recruitment, but these data could be provided spontaneously by the candidate/data subject.

7/ Information to be given to data subjects

The information to be given to data subjects detailed in art. 11 and art. 12 of the DP Regulation are taken into account in the EFSA candidate selection & staff recruitment process. **A) For all positions at EFSA:** Data protection note posted on the EFSA website + a reference in each vacancy note. A note containing information on the processing of personal data in the context of the EFSA staff recruitment process conform art. 11 of the Data Protection Regulation is posted on the EFSA website: http://www.efsa.europa.eu/EFSA/footer/efsa_locale-1178620753812_PrivacyPolicy.htm Each vacancy notice refers to the Data Protection Regulation and to this note on the EFSA website. **B) More specific information for TA and CA positions:** On-line or paper form used for TA & CA job applications. When the on-line system is used for the job application, candidates receive an automatic reply message in their e.mail inbox indicating an ID number that can be used to access their application to modify it on-line until the indicated deadline for submission of applications.

Moreover, the **on-line system** contains the following more detailed note: *“Where specifically marked in the on-line application form, the provision of data is compulsory and the system will not allow you to make an on-line submission of your application in case such compulsory data are missing in your draft. The follow-up of your application requires the coding of all data in a database at EFSA. Under the control of the HR unit of EFSA, these application data are further processed involving EFSA staff in charge of recruitment and a selection board in view of the selection of candidates and eventual staff recruitment at EFSA. Until the submission deadline for the call for applications, you are able to rectify or modify any inaccurate or incomplete data in your application. To this end, upon submission of your application, an automatic reply message containing an ID number will be sent to the e.mail inbox you have indicated, which can be used to access your application and to modify it until the deadline for submission of applications indicated in the call for applications. Information on applicants is retained for a period of 5 purposes. Concerning the processing of your personal data, you have a right to recourse at any time to the European Data Protection Supervisor.”*

Also the **paper application form** includes a note: *“Where specifically marked in the application form, the provision of data is compulsory and your application will not be considered in case such compulsory data are missing in your application. The follow-up of your application requires the coding of all data in a database at EFSA. Under the control of the HR unit of EFSA, these application data are further processed involving EFSA staff in charge of recruitment and a selection board in view of the selection of candidates and eventual staff recruitment at EFSA. Until the deadline for submission of applications indicated in the call for applications, you have the right to rectify or modify any inaccurate or incomplete data in your application. To this end, you may contact EFSA at the address indicated in the call for applications to rectify or modify your submitted application. Information on applicants is retained for a period of 5 years following budgetary discharge to meet review and control purposes. Concerning the processing of your personal data, you have a right to recourse at any time to the European Data Protection Supervisor.”*

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

As concerns application data: By means of the ID number communicated with an automatic reply message upon on-line submission in order to enter the recruitment system to modify data until the submission deadline ; As concerns evaluation data: Feedback on the outcome of the recruitment procedure: interviewed candidates can contact HR recruitment officer for feedback both orally and subsequently also in writing on the criteria according to which candidates were evaluated as well as the relative merit of the application (score obtained) with respect to each criterion.

9/ Automated / Manual processing operation

(1) **TA and CA positions:** Data processing is both automated and manual since candidates can opt or to apply by using the on-line system (preferred method) or by using the application form on paper. Applications received on paper are also added to the electronic system by means of a scanning of these paper documents, which is done upon their receipt by the HR recruitment officers. (2) **Recruitment of CAs based on EPSO longlist:** Data processing is mainly automated: EPSO is the controller of the data in the EPSO-longlist. The EFSA HR-officer can provide temporary read-only access to the password protected database to Heads of Units concerned.

(3) **Selection of SNE's:** Data processing is both manual and automated: Applications for SNE positions are to be made by completing and submitting a Europass CV and motivation letter. The submission of applications can be done through electronic or registered mail. Applications received by email are entered into a database, with protected access to the HR recruitment officers. Applications received on paper are also added to the database by means of a scanning of these paper documents, which is done upon their reception by HR recruitment officers in charge. **Selection of in-service trainees:** Data processing is manual: Applications for traineeship positions are to be made by completing and submitting an application form through electronic mail. Application forms are stored on the HR-shared network drive accessible for HR-officers. (4) **Selection of in-service trainees:** Data processing is manual: Applications for traineeship positions are to be made by completing and submitting an application form through electronic mail. Application forms are stored on the HR-shared network drive accessible for HR-officers.

10/ Storage media of data

(1) **TA, CA and SNE positions:** As detailed above in point 9, job applications for TA and CA positions are stored electronically in a password protected database with access limited to the recruitment officers. Applications received on paper are scanned and attached to the electronic database as well. The original paper copies of these applications are stored in locked filing cupboards and archives. (2) **Recruitment of CAs based on EPSO longlist:** EPSO is the controller of the data for the EPSO-longlist. The EFSA HR-officer can provide temporary read-only access to the password protected database to Heads of Units concerned. CVs and records are stored in locked filing cupboards when printed as hard copy.

(3) **Selection of SNEs:** Applications received by email are entered into a database, with protected access to the HR recruitment officers. Applications received on paper are also added to the database by means of a scanning of these paper documents. CVs and records are stored in locked filing cupboards when printed as hard copy. (4) **Selection of in-service trainees:** Application forms are stored on the HR-shared network drive only accessible for HR-officers. CVs and records are stored in locked filing cupboards when printed as hard copy.

11/ Legal basis and lawfulness of the processing operation

Processing operation is clearly covered by the mandate of EFSA: (1) Title III, Chapter 1 (Art. 27-34) of the Staff Regulations, art. 12-15 and art. 82-84 CEOS as well as Art. 1-6 of Annex III to the Staff Regulations ; (2) Decision of the Executive Director of 14 June 2007 laying down the Rules Applicable to National Experts on Secondment to the European Food Safety Agency ; (3) Decision of the Executive Director of 6 June 2008 on the acceptance of trainees for an in-service training.

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

Head of HR Unit, HR recruitment officers, EFSA staff taking part as member in the selection board, Recruiting managers, Executive Director, Director of Administration, Finance Unit, Accounts (i.e. for the purpose of reimbursement of travel costs related to interviews), Internal auditor, Internal Audit Service, EU Ombudsman, Court of Auditors, OLAF, Civil Service Tribunal

13/ retention policy of (categories of) personal data

(1) Documents related to recruited candidates are kept in the agent's personal file, in accordance with art. 26 of the Staff Regulation ; (2) Data related to non-recruited applicants for TA and CA positions put on a reserve list for recruitment shall be kept for a period of 5 years following expiry of the reserve list ; (3) Data related to non-recruited applicants for TA and CA positions shall be kept for a period of 5 years following budgetary discharge to meet review and control purposes.

Specification with regard to the collection of the criminal record, police record or certificate of good conduct: The formal job offer to candidates which have successfully passed the interview includes a request to provide a recent excerpt of the criminal record or police record or a recent certificate of good conduct, which is conditional for the confirmation of the recruitment. This document is thus only asked from candidates in the advanced stage of the selection procedure, after they have successfully passed the interview. As recommended by the EDPS, this document is always returned to the candidate concerned after the completion of the recruitment process. In case the candidate is recruited, it is replaced in the personal file with a standard form stating that the person is suitable for the performance of his duties and enjoys his full rights as a citizen (see standard form - annex 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)

Data subjects can exercise their rights at any time by contacting the HR recruitment officers. Justified requests for blocking and erasure will be handled 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,

Statistics on recruitment progress are needed from time to time and i.e. published in the EFSA annual report.

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):

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

Annexes - supporting documentation to this notification: (1) Legal basis for recruitment of non-statutory staff at EFSA: (a) Seconded National Experts: Decision of the Executive Director of 14 June 2007 laying down the Rules Applicable to National Experts on Secondment to the European Food Safety Authority:

http://www.efsa.europa.eu/cs/BlobServer/DocumentSet/hr_rules_sne_14_06_%202007_en.pdf?ssbinary=true (b)

Trainees: Decision of the Executive Director of 6 June 2008 on the acceptance of trainees for an in-service training. http://www.efsa.europa.eu/cs/BlobServer/General/decision_acceptance_trainees.pdf?ssbinary=true (2)

Model EFSA job vacancy notice (3) EFSA application form (on-line & paper version)

Link to online form: http://www.efsa.europa.eu/EFSA/efsa_locale-1178620753812_1211902296414.htm (4) Data protection note on staff recruitment uploaded on the EFSA website

(http://www.efsa.europa.eu/cs/BlobServer/General/efsa_data_%20protection_note_recruitment,0.pdf?ssbinary=true) (5) Documents used by the Selection Board during the staff selection process: scoring grid, final report

(6) Template letter for job offer, including specification on the criminal record/certificate of good conduct (7)

Standard form inserted in personal file on provision of criminal/police record or certificate of good conduct (8) EFSA Selection Board guidelines (9) DPO notification by the data controller

PLACE AND DATE: Parma, 13/02/2009

DATA PROTECTION OFFICER: Claus Reunis

INSTITUTION OR BODY: EFSA - European Food Safety Authority