

REGISTER NUMBER: 488

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 02/03/2009

Case number: 2009-170

Institution: OSHA

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 address of the controller

Francoise Murillo.

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

Human Resources Section.

3/ Name of the processing

Personal data of applications sent in for recruitment purposes in response to vacancy announcements.

4/ Purpose or purposes of the processing

Administrative in order to establish a short list and then a reserve list of candidates.

5/ Description of the category or categories of data subjects

Recruitment of potential candidates for a post at the Agency.

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

The data requested covers applicant's name, surname, address, date and place of birth, nationality, gender, telephone and fax numbers, e-mail address, how the applicant heard of the selection process and whether the applicant has ever applied for a post in the Agency before. We also request details pertaining to the education from primary until post graduate (as applicable) level, knowledge of languages, specialised training undertaken, and details of the applicant's present and past work experience including the name and address of employer, periods of employment, the exact designation of the post the applicant held, the number of staff under their responsibility, the nature and place of their work, reasons for leaving their employer (optional) and the required notice period. In addition details of the address and contact details of three professional references to be named by the applicant are requested. Other information that is requested as optional covers any long periods spent abroad in relation to professional activities and/or studies, cultural, social and sports activities. We no longer state that the applicant shall need to provide a police conduct certificate in the event that they are selected for the post in question but this is requested as part of the integration process of the candidate selected for the post in question.

7/ Information to be given to data subjects

The information provided to data subjects on data protection is the following - "The personal information the Agency 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."

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

Once an applicant submits their application, the only way they can alter their data is to do so by sending another application with the changes and to do so before the closing date for applications. At a separate stage an applicant may request details of how he or she was scored in the process. Here the Agency can provide details without providing details pertaining to any other applicant.

9/ Automated / Manual processing operation

The processing operation is both automated (applications are submitted exclusively by e-mail) as well as manually.

10/ Storage media of data

All applications are stored under lock and key in the HHRR section and then at the opportune moment distributed to the members of the appointed selection committee who are entrusted to handle all documents responsibly. Documents are to be destroyed by the members once the process of drawing up a Reserve List has been finalised whilst HHRR will transfer the necessary records to the Documentation section after ensuring that the level of filing is according to audited standards.

11/ Legal basis and lawfulness of the processing operation

The legal basis for the recruitment procedures in connection with Temporary Agent posts is the set of Implementing Rules of the engagement and use of Temporary Agents. That for the recruitment of Contract Agents is the set of general implementing provisions on the procedures governing the engagement and use of Contract Staff at the European Agency for Safety and Health at Work. We have Agency decisions that cover the recruitment of seconded national experts (Director's Decision) and trainees (RSC (07) 28 - Traineeships). We are currently updating our decision of SNEs.

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

Selection Committee members who include both internal colleagues as well as external members who are all bound by the Agency's confidentiality policy and data protection practices for retaining and destroying the data once a procedure has been completed.

13/ retention policy of (categories of) personal data

Personnel recruitment processed files and candidates files. Files for each competition (application forms, exams, etc) will be retained for 10 years and eliminated thereafter. Recruitment files pertaining to trainees, seconded national experts and other applicants who have received a negative reply in connection with a recruitment procedure shall be retained for two years and eliminated thereafter.

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)

Not 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,

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.

No.

Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

Yes.

Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation

No.

Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

No.

Other (general concept in Article 27.1)

Not applicable.

17/ Comments

No.

PLACE AND DATE: **Bilbao, 3rd November 2008; updated on 17th February 2009**

DATA PROTECTION OFFICER: **Terence Taylor**

INSTITUTION OR BODY: **European Agency for Safety and Health at Work**