

REGISTER NUMBER: 493

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 27/03/2009

Case number: 2009-219

Institution: TEN-T EA

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

Mr Marcos Roman Parra, Head of Resources Unit, TEN-T Executive Agency established by the European Commission, OR10 03/02, B-1049 Brussels

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

Sector of Human Resources

3/ Name of the processing

Personnel selection and recruitment

4/ Purpose or purposes of the processing

The information requested from the data subjects during the selection procedure is necessary to evaluate the candidatures and to ensure that only people with the highest standard of ability, efficiency, integrity are recruited from the largest possible geographical basis amongst all European Member States.

The purpose of the processing of personal data during recruitment procedure is a proper management of the rights of TEN-T EA staff and thus a correct functioning of the Agency itself.

5/ Description of the category or categories of data subjects

During the selection procedure data subjects are all applicants to a post within the Agency.
During the recruitment procedure data subjects are the persons that have passed the selection procedure and that have received a job offer with the Agency. These include (future) European Seconded Officials, Temporary Agents and Contract Agents.

Seconded National Experts are not foreseen in TEN-T EA for the moment.

Any procedures in relation to selection and recruitment of trainees still have to be established.

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 candidates during the selection phase:

- Personal information (First name(s), Surname(s), Address(es), Telephone(s), Fax(es), E-mail, Nationality, Date of birth and Gender)
- Work experience (for each experience: dates, occupation or position held, main activities and responsibilities, name and address of the employer, type of business or sector)
- Education (for each completed course: dates, title of qualification awarded, principal subjects and occupation skills covered, name and type of organisation providing education and training, level in national or international classification);

Personal skills and competences

- Languages (for each language specified, proficiency (understanding: listening and reading, speaking: spoken interaction and spoken production and writing)
- Social skills and competences, organisational skills and competences, technical skills and competences, computer skills and competences, artistic skills and competences, other skills and competences, driving license.

Additional information (such as contact persons, references).

During the recruitment phase:

- Diplomas, certificates and complementary training
- Proof from previous employments and reference
- Contracts and amendments and job descriptions of previous employments
- Medical aptitude certificate
- Criminal record
- Military service certificate
- Payslip previous employment
- Birth certificate
- Documents proving nationality and marital status
- Registration place of residence
- When married, last payslip of the husband/spouse and if not employed a declaration on honour of non employment
- Birth certificate of dependent children
- Divorce, legal separation or maintenance judgements
- Financial Identification of a Belgian bank account

7/ Information to be given to data subjects

As TEN-T EA does not have a website of her own yet, vacancies are announced on the following websites: Europa, TEN-T website via DG TREN, Intracomm, Epsa, EuroBrussels only for some TA posts. Some of the vacancy announcements are circulated electronically to Permanent Representations of EU MS.

TEN-T EA is working on establishing its own website. A contract was concluded in 2008 for its development. On the planned website a notice shall be published informing that data processing by TEN-T EA is done according to Regulation (EC) 45/2001. It shall also mention the references to a functional mailbox (TENEADPO@ec.europa.eu), give information regarding the access and rectification rights on the data in question, information about the retention period and right to complain to the EDPS (see attached draft Annex I).

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

Applicants may request at any time to have their personal data updated or corrected as long as this does not change anything to their eligibility criteria.

In accordance with the Staff Regulations, staff members have permanent access to their personal files. They may consult the file in hard copy in the HR offices and request copies. They also have the right to rectify any inaccuracy upon request. This right remains also after the end of the contract with the Agency. The personal files can only be consulted by HR staff and by the data subject as described above.

9/ Automated / Manual processing operation

Both automated and manual processing operation apply to TEN-T EA during the selection and recruitment procedure.

Manual processing during the selection phase:

- o Initiation of the selection procedure
- o Nomination of the selection panels
- o Screening of applications and assessment of candidates and issuing of recommendation to the Appointing Authority.
- o Information exchange with candidates related to reimbursement of expenses

Personal details collected from selected candidates are processed manually during the recruitment phase so as to enable the three following actions:

- o Organise medical aptitude visits with the EC medical service
- o Data processed are limited to what is needed to make appointments between the data subject and the EC medical service. The Agency only organises the appointments and does not receive any medical details. It only receives a reply in relation to the question whether the candidate is able to perform his/her duties or not.

Automated processing during the selection phase:

The only electronic database containing personal data consulted is the EPSO CAST ERL.

Furthermore, CVs from applicants are received via the functional mailbox "TEN-TEA recruitment" and stored on a common drive accessible only to HR staff.

Automated processing during the recruitment phase:

Some data are inserted in a database (SIC Personnel) for the purpose of administering the career, mission and annual leave of the new staff member.

10/ Storage media of data

During both the selection and the recruitment phase, the personal file constituted by the HR contains all of the personal details obtained from the candidate. These data are administered only by the HR Sector (except for the situations mentioned under point 12).

The files include paper versions which are kept in key-locked cupboards.

HR sector also keeps personal files on the common drive.

Some data are also inserted in a database (SIC Personnel) for the purpose of administering the career, mission and annual leave of the new staff member.

Each of the aforementioned three repositories is protected with access limited to HR staff only.

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 (a) as the selection procedure is based on the Staff Regulations (Articles 27-34) for EC detached officials and the Conditions of Employment of Other Servants (CEOS) of the European Communities, for temporary (Articles 2a, 8, 12-15 and 50 of the CEOS) and contract agents (3a, 79-87 and 91-119 CEOS).

Data processed during the procedures of selection and recruitment falls under the scope of Article 27.2 (b) of Regulation (EC) 45/2001.

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

Any personal data during the selection phase 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

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 - see Annex II) and the Medical Service of the Commission (on the basis of a Service Level Agreement - see Annex III).
- Upon request, the staff member him/her self for consultation

13/ retention policy of (categories of) personal data

Data related to applicants not invited for an interview or spontaneous applications will remain in the common drive with restricted access only to HR staff. Those data will be withheld for a period of one year, unless the data subject requires cancellation of those data.

Data pertaining to selected applicants are kept at least until the first HR audit (expected in the course of 2009-2010), and not less than 2 years following the recruitment procedure.

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 seconded officials, 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.

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)

Spontaneous applications are kept for 1 year by the Agency, which informs the data subject by e-mail about this retention period.

The e-mail informs the data subject as well that upon the applicant's request, these data may be erased.

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,

NA

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

Upon request, the Agency might transfer some anonimised data for statistical purpose to the PMO, Eurostat, Permanent Representation of Member States and the Cabinet of DG TREN.

In the case of transfer of staff to other institutions, the Agency does not transfer any personal information. The staff member may request his/her personal file, copy it and transmit the data personally.

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

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

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 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 received only in as much as these data appear "spontaneously" in the curriculum vitae. Those data are possibly consulted only during the selection phase. For example, some curricula 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.

PLACE AND DATE: Brussels, 27 March 2009

DATA PROTECTION OFFICER: Elisa Dalle Molle

INSTITUTION OR BODY: Trans-European Network for Transport Executive Agency (TEN-T EA)