

REGISTER NUMBER: 582

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 24/03/2010

Case number: 2010-244

Institution: ERCEA

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

European Research Council Executive Agency (ERCEA), Carina Lenarduzzi, Head of Unit, Unit D.2 - Human Resources, Infrastructure and Document Management. Covent Garden 2
Place Rogier, 16 BE-1210 - Saint-Josse, Belgium
[mail address: COV2 20/045, BE-1049 Brussels]

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

Unit D.2 - Human Resources, Infrastructure and Document Management
Director of the ERCEA, being the AHCC (Authority Empowered to Conclude Contracts of Employment)

3/ Name of the processing

Recruitment of Contractual Agents, Temporary Agents - External, and Temporary Agents - Seconded*

* Temporary Agents - Seconded stands for Seconded Officials in the Interest of the Service

4/ Purpose or purposes of the processing

Selection phase: the personal data processed during the selection phase are necessary to evaluate the eligibility, the expertise and the profile of applicants. This allows the retention of the most suitable people for the open positions

Recruitment phase: the personal data processed during the recruitment phase are necessary to determine the rights of people, prepare the relevant contracts of employment and build their own personal file

5/ Description of the category or categories of data subjects

Selection phase: data subjects are all the applicants who submitted their applications in reply to the publication of a vacancy notice.

Recruitment phase: data subjects are the selected candidates who have been offered a position by the ERCEA as Contractual Agents, Temporary Agents - External, and Temporary Agents - Seconded*

* Temporary Agents - Seconded stands for Seconded Officials in the Interest of the Service

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

Selection phase:

- Personal Details as First name, Last name, Address, Phone number, Fax, E-mail, Nationality, Date of Birth, Gender;
- Work Experience including, for each experience, start and end dates, position/title held, main activities and responsibilities, name and address of the employer, type of business, sector;
- Education and Training including, for each course, start and end dates, title, qualification, diploma (level in the national and/or international classification), main study subjects, name of the organisation providing the education or the training;
- Languages including, for each language, the level of understanding, listening, reading, spoken proficiency, written proficiency and details about the courses attended;
- Personal Skills and Competences (technical, organisational, social, artistic, others).

The electronic means for submission of data are the CAST lists managed by EPSO, CV-online managed by the European Commission, and a functional mailbox managed by ERCEA (called ERC Vacancy Notice) according to the type of open positions (Contractual Agents use CAST lists and CV-online; Temporary Agents

Recruitment phase:

Copy of ID card/Passport, Birth certificate, Nationality, Marital status, Place of residence, Military service certificate, Criminal record (or similar document according to the national legislation, i.e. certificate of good conduct, police record, etc), Medical certificate for aptitude, Diplomas, Study/Training certificates, Documentary evidence of the working periods (contracts, salary slips, certificates), Financial identification form for the bank account, 2 pictures. In addition:

- when married, documentary evidence for the employment status of the spouse/husband;
- when having children, birth certificate of dependent children;
- when separated/divorced, judgements relating to the separation, divorce and maintenance.

7/ Information to be given to data subjects

Selection phase: in the vacancy note published on the ERCEA and EPSO websites (for Contractual Agents and Temporary Agents - External) and on the Intracomm (for Temporary Agents - Seconded) a dedicated paragraph inform about the application of R. 45/2001 and the possibility to contact the EDPS in case of recourse. Moreover each electronic mean (i.e. CAST lists, CV-online, Intracomm) is accompanied by a Specific Service Privacy Statement (SSPS) detailing rights of data subjects. Please refer to the following links:

http://europa.eu/geninfo/legal_notices_en.htm#information

http://ec.europa.eu/civil_service/job/cvonline/privacy_en.htm

http://www.cc.cec/home/about_en.html

[copies of above mentioned SSPS are enclosed in Annex (g)]

Recruitment phase: currently fragmented information are given to the selected people for recruitment through the different forms they must fill in and sign. The ERCEA relies on the information given during the selection phase. The very first day of employment, when signing the contract and attending the induction session, newly recruited colleagues are briefly informed about the Personal Data Protection frame and the coordinates of the ERCEA Data Protection Officer.

A new overall Specific Privacy Statement addressed to the selected candidates to whom a post is offered, will sent with the invitation for the first administrative appointment as from February 2010.

The public website of the European Research Council has been recently repatriated to the ERCEA from DG RTD. It needs to be updated and adjusted. The HR team in cooperation with the communication unit will take the necessary steps in the first quarter of 2010.

This will allow adding pertinent updated information about the processing of personal data by the ERCEA in the recruitment activity.

The internal intranet of ERCEA provides with a specific section about the protection of personal data.

It hosts also the new Specific Privacy Statement mentioned above, in order to inform the staff members who already have taken up duties.

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

Selection phase: personal data submitted through CV-online are at any time accessible and can be up-dated, corrected or erased. As regards the personal data kept in the CAST lists, some of them can be periodically updated except the ones linked to the eligibility within the specific call for expression of interest. In relation to the application sent to the functional mailbox ERC Vacancy Notice, personal data can be completed, corrected until the deadline for submission. Withdrawal of applications is possible at any time for the applicants (in this case personal data are kept by the ERCEA HR service until the closure of the selection procedure; by then they are erased).

Recruitment phase and establishment of the personal file: during the recruitment phase selected candidates offered a job provide all the documents mentioned above in section 6. Staff members can have access to their personal file at any time upon request to the Controller. They can rectify or request a correction if they consider there has been a mistake or they detected any inaccuracy, in accordance with article 26 of the Staff Regulations (recalled by article 11 of the CEOS - Conditions of Employment of Other Servants)

9/ Automated / Manual processing operation

Data processing is both automated and manual.

As regards the selection phase, applications are first received and retrieved from the CV-online, EPSO or CAST lists repository in an automated manner and then printed and distributed to selection panel members manually (for Temporary Agents - Seconded, applications are received by e-mail). The organisation and the results of oral interviews are processed in a manual fashion too.

As regards the recruitment phase, the required documentary evidence is first received and checked in a manual way and then scanned for a complementary electronic treatment and archiving.

More in details, for recruited staff the ERCEA is introducing the use of SYSPER which soon will replace the SIC application. This application allows an automated processing of the personal files of staff members.

10/ Storage media of data

Personal data of applicants and recruited staff are stored by the authorised personnel of the HR unit both electronically and in paper version. Archives are constituted by a drive with restricted access and a securised room. All personal documents temporary processed by a panel member or an HR officer are locked in secure cupboards. Keys and access are administered by the authorised personnel of the HR unit. If for practical reasons a supplementary "work" copy of a personal document is made during a selection/recruitment procedure, it will be destroyed with the conclusion of the relevant processing.

As per the above section 9/, for recruited staff the ERCEA is introducing the use of SYSPER which soon will replace the SIC application. This application is a third kind of data repository, complementary to the electronic and paper archiving.

All servers are placed in alarmed and video-controlled rooms.

11/ Legal basis and lawfulness of the processing operation

The processing of personal data by the ERCEA during the selection and recruitment phases is necessary for the management and functioning of the body. Data subjects voluntarily apply for the selection in view of a potential recruitment.

The legal instruments adopted on the basis of the Treaties and governing the selection and recruitment procedures are the Staff Regulations and the CEOS - Conditions of Employment of Other Servants. The Steering Committee of ERCEA adopted on 14 December 2009 the relevant four Implementing Rules [copy hereby enclosed as Annex (a)]

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

During the selection phase, these are the recipients:

- the personnel in the HR unit dealing with the selection procedure;
- the personnel in the financial circuit for the reimbursement of travel costs linked to the interview;
- the members of the selection panel;
- the AHCC (Authority Empowered to Conclude Contracts of Employment), i.e. the ERCEA Director.

During the recruitment phase, these are the recipients:

- the personnel in the HR unit dealing with the recruitment procedure;
- Some services within the European Commission with which the ERCEA signed a Service Level Agreement [SLAs in Annexes (d) and (e)], as the PMO (Pay Master Office) and the Medical Service;
- the AHCC (Authority Empowered to Conclude Contracts of Employment), i.e. the ERCEA Director.

In case of complaint and audit, data will be disclosed accordingly to the EU Ombudsman, the Civil Service Tribunal, OLAF, Court of Auditors, ERCEA Internal Audit Office, Internal Audit Service.

In specific situations (e.g. complaints or interpretation of the applicable rules) some limited details might be shared with other Commission services as the DG HR (ex DG ADMIN), EPSO, the Secretariat General, the HR and Legal services of the parent DG (DG RDT).

In anonymous manner without any identification of data subjects, EUROSTAT upon request can receive statistical data about selection and recruitment procedures.

Periodically, Permanent Representations of the EU member States may ask for information about their respective citizens working for the EU Institutions and bodies in accordance with the art. 16 of the Protocol on Privileges and Immunities of the European Communities, which foresees the following: "*The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 shall apply, in whole or in part. The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the governments of the Member States*".

13/ retention policy of (categories of) personal data

The ERCEA currently applies by analogy the Commission e-Domec rules and the Retention list as per SEC(2007)970. By the first quarter of 2010, the ERCEA Archiving Table (integrating preservation information) will be submitted to the Secretariat General of the Commission and the EDPS will be duly informed. In the meanwhile, these are the retention periods:

- the ERCEA retains for "recruited applicants", i.e. for staff taking up duties, a personal file for 8 years after the extinction of all rights of the person concerned and of any dependants, and for at least 120 years after the date of birth of the person concerned (ARP – Administrative retention period);
- In the case of "non-recruited applicants", the time-limit for storage of their data is of 5 years. This also in the light of the possible review of the decision taken in the selection procedure (complaint to the European Ombudsman, appeal with the Civil Service Tribunal), as well as in accordance with the Financial Regulation and its Implementing Rules (audit purposes);
- In the case of non-recruited applicants on the "reserve lists" the 5 years conservation of their data takes also The validity of "reserve lists" applied till now depends on the vacancy note. The applied options are:
(a) 1(+1) year(s) validity after the establishment of the pertinent reserve list or
(b) 2 years validity after the closure of the submission deadline for application.

As regards the "criminal record"*** retention, the ERCEA since mid-February 2010 have been applying the recommended policy of returning it back to data subjects after recruitment. In the personal files, it is replaced by a standard form [template hereby enclosed in Annex (h)].

** or similar document according to the national legislation, i.e. certificate of good conduct, police record, etc.

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)

NA

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

The personal files are always kept by the ERCEA. If a staff member gives his/her resignation and takes up duty with another EU institution or body, a new personal file will have to be opened by the new employer. It may happen that some clarifications are asked by the new employer (another EU institution or body) to ERCEA which may provide them according to art 7 of R. 45/2001. Where needed prior consent will be asked to the data subject.

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 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

List of Annexes:

- (a) 4 DGE of 14 December 2009 (Implementing Rules adopted by the ERCEA Steering Committee)
- (b) Internal Manual for Recruitment
- (c) HR Recruitment Forms
- (d) SLA with PMO
- (e) SLA with Medical Service
- (f) Specific Privacy Statement - ERCEA Recruitment phase
- (g) Privacy Statements CV-online, EPSO CAST lists
- (h) Form for replacing the "criminal record"***

** or similar document according to the national legislation, i.e. certificate of good conduct, police record, etc.

PLACE AND DATE: Brussels, 24 March 2010

DATA PROTECTION OFFICER: Donatella Piatto

INSTITUTION OR BODY: European Research Council Executive Agency (ERCEA)