

REGISTER NUMBER: 613

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 30/07/2010

Case number: 2010-0588

Institution: EACEA

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

Unit or service: R1 – Human Resources Sector

Function: Head of Unit

Administrative address: BOUR 01/25

Postal address: Education Audiovisual and Culture Executive Agency, Avenue du Bourget 1, BOUR, BE-1140
Brussels

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

Full name: POUPART Nicole

Unit or service: R1 (HR)

Function: Head of Sector

Telephone number: 88793

E-mail address: nicole.poupart@ec.europa.eu

3/ Name of the processing

Staff selection procedure (temporary agents)

4/ Purpose or purposes of the processing

The processing operation is necessary for the selection procedure of the best qualified candidates according to the job description.

In particular it is necessary in order to:

- manage the applications sent by candidates;
- verify if the candidates fulfil the eligibility criteria;
- pre-select candidates for the written and oral test;
- establish a short list of selected candidates to be recruited as temporary agents by the Agency.

5/ Description of the category or categories of data subjects

Candidates or applicants for the posts of temporary agents offered by the Agency.

Application forms contain:

To create an account the candidates must enter the following details: Email*, password*, password confirmation*, First Name*, Family name*, date of birth.

Main Details: title*, First Name* and Family Name*, date of birth, telephone numbers , street and number*, post code* and country*, /e-mail, nationality*,)

Employment History (start and end dates*, job title*, organisation/company name*, type of sector , description of main tasks and responsibilities*.)

Education and training: educational level, Institution, Country,

Original title diploma awarded, date of Diploma. Personal Skills and Competences: languages,

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 Licence.

Motivation letter*.

* The fields marked with an asterisk (*), are obligatory. If they are not filled in, registration can not take place.

Results of the selection procedure - written and oral tests.

7/ Information to be given to data subjects

The process starts with the publication of the vacancy notice via internet (Agency and EPSO) and by notification to the permanent representations of member states.

The Data Protection clause inserted into the vacancy notice states as follows:

The EACEA is dedicated to respecting the privacy of its candidates for recruitment.

Within the framework of the selection procedures of Temporary Agents at the EACEA, all personal data provided by candidates are dealt with in compliance 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 (OJ L 8 of 12.1.2001, p. 8) This applies in particular to the confidentiality and security of such data. For further information please refer to the Privacy statement published on the Agency's website.

Furthermore, on its website: http://eacea.ec.europa.eu/about/vacancies_en.php, the Agency has a privacy statement for recruitment and specific instructions to TA candidates ("Applicant instructions").

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

As mentioned in the "Applicant instructions" and the Privacy statement (available on EACEA's website), before the closing date of the selection procedure each candidate can access personal data and rectify them directly online in his on-line account. Furthermore, candidates can withdraw their application or delete their account at any time.

Once the application time is closed, candidates can contact the HR in order to modify the information.

Data subjects can request access to the data the Agency keeps and exercise their rights upon simple request via e-mail to the functional mail box indicated in the Privacy statement: EACEA-Recrutement-Recours@ec.europa.eu

9/ Automated / Manual processing operation

- Activity in the frame of which the processing is carried out

The Human Resources Sector (hereinafter referred to as "HR") defines, coordinates and ensures the implementation of human resource policies within the Agency, on the basis of the relevant provisions of the Staff Regulations and the Conditions of Employment of Other Servants of the European Communities. In order to fill the Temporary Agents' vacancies according to the establishment plan, the HR organises the whole selection process.

The StepStone database is the recruitment tool used by EACEA to manage the Temporary Agent recruitment process as from December 2009. The recruitment tool is run for the Agency by a service provider (StepStone) under a specific service contract with the Agency. It covers all needs concerning the treatment of information and facilitates the exchange of information between the candidates and the Agency recruitment team.

The database has two interfaces: (1) the "Front End" (public interface of the StepStone database) is the web-based interface used by candidates to make their applications, accessible via the Agency's webpage – (2) the "Back End" is the internal face of the database, the administrative interface only accessed and used by the Agency HR staff.

- Working procedure followed within the framework of this activity

Preliminary remark: all recipients of personal data in the course of internal transfers are reminded that they can use the information only for the purpose of the selection procedure and they are bound by the Agency's confidentiality policy.

Temporary Agents are recruited through open selection procedures.

The main steps can be summarised as following:

1) Publication of vacancy notices.

The vacancy notices are published on the Agency web page (http://eacea.ec.europa.eu/about/vacancies_en.php). A specific privacy statement is published on the same Agency web page. (See attachment).

The document "Applicant Instructions" is as well published on EACEA's Website, describing the technical side of the application procedure.

2) Candidates' applications.

The candidates select the position they wish to apply for and then complete and submit their applications. If it is their first application, they are directed through an automated registration process (creation of an on-line account) before they can begin their application. This account is used for storing and updating candidates' personal data, communicating with them and keeping track of their applications. If candidates apply for more than one post, all their applications must be submitted from the same account.

The online application is divided into five sections:

- Personal Information;
- Education and Training;
- Employment History;
- Personal Skills and Competencies;
- Additional Document: Motivation letter.

Data concerned

- Personal data allowing identification of the candidate: title, surname, first name, date of birth.
- Information provided by the candidate to contact the candidate and to allow practical organization of admission tests: street, postcode, place, country, telephone and fax number, email address.
- Information provided by the candidate to allow the verification of the eligibility and selection criteria as laid down in the vacancy notice: nationality, education and training (diploma awarded), professional experience (job title, length, company name, company type and web address of company, main tasks and responsibilities), personal skills and competencies (following the Europass CV, for example social skills and competences).
- Motivation letter of candidate

When all sections have been completed, a submission link appears on the Summary page.

By clicking on the "Submit" button, candidates submit their application and receive an acknowledgement of receipt by email.

If candidates want to withdraw their application, they can do that by clicking the "withdraw" button, up until the deadline for application expires. After the deadline, they can contact the HR by e-mail and can ask to be withdrawn from the procedure (as explained in the "Applicant Instructions").

When candidates make a second or subsequent application, the system retrieves the information they entered in the first (or most recent) application. Candidates can at any time access and modify the information contained in their profile when a call for application is open.

Once it is closed they can contact the HR in order to modify the information.

If candidates want to delete their profile, they can send their request by e-mail to the HR, as specified in the "Applicants instructions".

The personal data provided by the candidates are only used within the framework of the selection procedure.

3) Organisation of written tests and interviews in order to establish a short list of candidates eligible to recruitment.

With the aid of an evaluation grid (not part of the database, but on paper)

the selection committee assess the applications against the selection criteria and mark them either to be rejected or to be

short-listed for written tests and interview.

Short-listed candidates are added to a mailing list to receive an invitation e-mail;

rejected candidates are added to a mailing list to receive a rejection e-mail

(the mailing queues are managed within the database). The rejection e-mail always contains the reasons for rejection.

The HR invites by e-mail the selected candidates to written tests and an interview.

In this e-mail the HR ask the candidates to provide the following documents:

(a) the "Financial Identification" and "Legal Entity" forms, with a copy of the passport or identity card (these documents are necessary to process the reimbursement of travel expenses, whereas the candidates have to travel to Brussels for the interview);

(b) copies of diplomas and certificates of employment, supporting the information contained in their CV (the HR will check these documents in order to validate the information contained in the CV, see under point 6) below).

The president of the Selection Committee reminds the Committee's members of the confidentiality policy (obligation of not divulging information about the candidates and the procedure) before starting the interviews, and that they should process the data they receive only for the purposes for which they are transmitted.

The evaluation grids (pre-selection, written tests and interview) completed by the evaluators are not disclosed to the candidates. In fact, these documents, which facilitate comparative judgements between performances of various candidates, belong to the deliberation process of the Selection Committee; the secrecy inherent in the Selection Committee proceedings precludes their communication.

4) Final short list of candidates.

Once the selection is concluded, the Selection Committee establishes a short list of candidates.

Successful candidates are emailed a message that informs them that their name is in the reserve list;

unsuccessful candidates receive a rejection e-mail, indicating the score obtained to the written test and the interview (the mailing lists are managed within the database).

The short list is managed by the HR (electronic and paper version).

The list includes the name, surname and written and oral test score of each candidate.

The Heads on Unit who have to fill the vacant posts can consult the list, and make a request of recruitment to the Agency's Director. The CVs of the candidates in the reserve list are kept in the recruitment file and are accessible to the Heads of Unit.

5) Retention of personal data

Personal data of recruited candidates: data are kept in their personal file.

The data retention period is 8 years as of termination of employment or as last pension payment.

Personal data of non- recruited candidates in the short list: data are kept for the validity period (and possible extension) of the reserve list. Once the list expires, the data are destroyed.

Personal data of candidates invited to an interview and not included in the short list: data are kept for 2 years following the conclusion of the selection procedure.

6) When the selection is concluded, the documents mentioned in point 3) are dealt with.

The documents in (a) are first sent to PMO, responsible to calculate the amount to be reimbursed as travel expenses – then processed and filed by the financial sector of Unit R1 of EACEA, responsible for the payment to the candidates.

According to the financial regulations, the retention period of the financial dossiers is 5 years after the budget discharge.

The documents in (b) of all invited candidates are destroyed. In case of recruitment, candidates will be asked to provide a certified copy of relevant documents, or a photocopy that will be certified by the HR against the originals.

10/ Storage media of data

The database itself is located on the service provider's website

(<https://www11.i-grasp.com/eacea/>). The part of the process not managed via the database is on paper files.

11/ Legal basis and lawfulness of the processing operation

Legal basis

Commission decision (2009/336/EC) of 20 April 2009 setting up the Education, Audiovisual and Culture Executive Agency for the management of Community action in the fields of education, audiovisual and culture in application of Council Regulation (EC) No 58/2003.

Council Regulation (EC) No 58/2003 (laying down the statute for executive agencies)

• Article 18 lays down the general conditions regarding the staff to be recruited by the executive agencies. In particular:

- Under Article 18, paragraph 1, the executive agency's staff shall consist of Community officials seconded as temporary staff members by the institutions to positions of responsibility in the executive agency, and of other temporary staff members directly recruited by the executive agency. In addition and among others, the appropriate eligibility criteria shall be determined on the basis of the specific nature of the tasks to be performed, and shall comply with the Staff Regulations as well as with current national legislation.

- Under Article 18, paragraph 3, The Steering Committee, in agreement with the Commission, shall adopt the necessary implementing rules for personnel management within the executive agency, if necessary.

• Under Article 11, paragraph 6, the director shall be empowered under the arrangements applicable to other servants of the European Communities to conclude employment contracts in respect of staff of the executive agency. The director shall be responsible for all other matters relating to personnel management within the executive agency.

Conditions of Employment of Other Servants of the European Communities

- Chapter 3 concerning the conditions of engagement of temporary agents (Articles 12-15).

Décision du Comité de Direction relative aux procédures régissant l'engagement et l'emploi des agents temporaires dans l'EACEA

- (AE/2008/CD03/D-3-b final)

Grounds for lawfulness

Regulation (EC) No 45/2001, Article 5, point a), in conjunction with Recital 27:

The processing is necessary for the performance of a task carried out in the public interest on the basis of a legal instrument adopted on the basis of the

Treaties establishing the European Communities [Commission decision (2009/336/EC) of 20 April 2009 setting up the Education, Audiovisual and Culture Executive Agency]; in particular, it is necessary for the management and functioning of the Agency.

Members of the selection committee, HR sector, Heads of Unit of EACEA

The European Court of Justice, The Court of First Instance and/or the Civil Service Tribunal or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure

The competent Appointing Authority (the Director of the Agency, the delegated Authority and the body in charge of the examination of the complaints) in case of a request or a complaint lodged under Articles 90 and 90c of the Staff Regulations.

OLAF in case of an investigation conducted in application of Regulation (EC) No 1073/1999 and the Decision of the Steering Committee of the Agency of 9 June 2006

The internal auditor within the scope of the tasks entrusted to him/her by Articles 85 to 87 of the Financial Regulation and by the article 49 of Regulation (EC) No 1653/2004

The Court of Auditors within the tasks entrusted to it by Article 248 of the EC Treaty and Article 20, paragraph 5, of Regulation (EC) No 58/2003

The European Ombudsman within the scope of the tasks entrusted to it by Article 195 of the EC Treaty

The European Data Protection Supervisor in accordance with Article 47, paragraph 2, of Regulation (EC) No45/2001

13/ retention policy of (categories of) personal data

Recruited candidates: data are kept in their personal file.

The data retention period is 8 years after the extinction of all rights of the person concerned and of his/her dependants, but until at least 120 years after the date of birth of the person concerned

[See Common Conservation List (CCL), SEC (2007) 970 adopted by the Commission on 04/07/2007, Annex 1, p. 19, point 12.3.7]

Non- recruited candidates in the short list:

data are kept for the validity period (and possible extension) of the reserve list

Candidates invited to interview and not included in the short list:

data are kept for 2 years following the conclusion of the selection procedure

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)

All categories mentioned above under subheading 6.

BLOCKING

- To rule on a request: 45 working days (beginning from the reception of the request)
- Blocking period: depending on the case

ERASURE

15 working days (beginning from the reception of the request)

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,

Statistical

Nationality / sex / category

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

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,

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: Brussels, 30 July 2010

DATA PROTECTION OFFICER: Hubert Monet

INSTITUTION OR BODY: The Education, Audiovisual and Culture Executive Agency (EACEA)