

REGISTER NUMBER: 617

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 30/07/2010

Case number: 2010-0592

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: Unit R1 - Resources, administration, IT, communication

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 (contract agents)

4/ Purpose or purposes of the processing

Purpose 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:

- pre-select the candidates to be invited for the interviews;
- establish a short list of selected candidates able to be recruited as contract agents by the Agency.

<p>5/ Description of the category or categories of data subjects Successful candidates from EPSO pre-selection process suitable for recruitment by the Agency as contract agents. Results of the oral selection procedure (interview) at EACEA.</p>
<p>6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data) Personal data included in the EPSO Database CV of the candidates: First Name, Family name, date of birth, nationality, adress, employment history, education and training, language skills. Results of interviews at EACEA.</p>
<p>7/ Information to be given to data subjects The process starts with the screening of data already available through the EPSO databases (candidates are therefore informed on the EPSO Data Protection policy when filling in their CV). EPSO's Privacy statement is accessible on the following website: https://europa.eu/epso/application/passport/ Furthermore, the Agency has a specific privacy statement for recruitment on its website: http://eacea.ec.europa.eu/about/vacancies_en.php The information about the Privacy policy of the Agency is given to candidates when they are invited for interviews. The invitation letter refers to the Agency's Privacy statement on its website</p>
<p>8/ Procedures to grant rights of data subjects (rights of access, to rectify, to block, to erase, to object) 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</p>
<p>9/ Automated / Manual processing operation</p> <ul style="list-style-type: none"> • Activity in the frame of which the processing is carried out The Human Resources Sector of the Agency (hereinafter referred to as "HR") defines, coordinates and ensures the implementation of human resource policies (covering the whole employment cycle). It does so by following the relevant provisions of the Staff Regulations and the Conditions of Employment of Other Servants of the European Communities. In order to fulfil its tasks, HR organises the selection process to fill the contract agents' vacancies according to the Agency establishment plan. • 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. <p>The Agency can only recruit contract agents included in the EPSO data base (these candidates have been selected by EPSO following the selection procedure described in art. 5 of the Commission Decision of the 7th of April 2004 C(2004) 1313). The main steps can be summarised as following:</p> <p>1) 'Screening' of the EPSO, data base in order to identify suitable candidates to be invited to the selection process. On the basis of general selection criteria, established according to the job description, the HR and designated persons in the Units run a query in the EPSO database and establish a short list of suitable candidates. Their CVs are printed out and further checked, in cooperation with the Selection Committee, against pre-defined selection criteria: more specifically, the analysis of the information provided by the candidates in their CVs, focuses on their working experiences and language skills. The Selection Committee finalise the list of candidates to be invited to the interview (the CVs of non selected candidates are immediately destroyed by the HR).</p>

2) Organisation of interviews in order to establish a short list of candidates eligible to recruitment. The HR invite by e-mail the selected candidates to 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 check these documents in order to validate the information contained in the CV).

3) Interviews

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 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 interviews are concluded, the Selection Committee establishes a short list of candidates. All candidates are informed of the results by e-mail. The short list is managed by the HR (electronic and paper version). The list includes the name, surname and interview 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) When the selection is concluded, the documents mentioned in point 2) 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 the agency, 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.

6) Data retention:

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

10/ Storage media of data

EPSO database. Short list is electronic and paper based. Paper files of the selection procedure.

11/ Legal basis and lawfulness of the processing operation

Legal basis

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, as well as of other servants recruited by the executive agency on renewable contracts.
- 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.

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;

Conditions of Employment of Other Servants of the European Communities

- Article 82 concerning the conditions of engagement of contract agents.

Decision of the Steering Committee of 31/03/2008 (AE/2008/CD03/D3-c_final) on the general implementing provisions on the procedures governing the engagement and the use of contract staff at the Executive Agency.

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 setting up the EACEA); in particular, it is necessary for the management and functioning of the Agency.

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

Members of the selection committee, HR sector, designated staff members in the Units, Heads of Unit of EACEA

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 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 Regulation

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) No 45/2001

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)

Factual data contained in the procedure

BLOCKING

- To rule on a request: maximum 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:

X Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,
Data relating to the evaluation of personal aspects of the data subject (such as his or her ability, efficiency and conduct)

Article 27.2.(c)

Article 27.2.(d)

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)