

To be filled out in the EDPS' office

REGISTER NUMBER: 646

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 09/12/2010

Case number: 2010-980

Institution: EFSA

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

Ms. Catherine Geslain-Lanéelle, Executive Director

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

Staffing & Personnel officers in the HR Unit, EFSA Evaluation Team (EET), independent external evaluators

3/ Name of the processing

The selection and appointment of members of the EFSA Scientific Committee and Panels

4/ Purpose or purposes of the processing

To organize selection procedures for members of EFSA's Scientific Committee and Panels and to appoint them for a 3-year term of office that may be renewed twice and/or to expand a constituted reserve lists of the Scientific Committee and the Scientific Panels.

5/ Description of the category or categories of data subjects

Applicants following a duly advertised call for expressions of interest (CEI) for membership and renewal of the Scientific Committee and Panels. (publication requirements laid down in article 28(5) of Regulation (EC) 178/2002)

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

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a) The information provided by the applicant in his/her application form in view of the eligibility and selection criteria detailed in the CEI, as well as the Annual Declaration of Interests;

b) Data resulting from the evaluation process:

- o Results of the validity & eligibility check carried out by Staffing & Personnel officers in the HR Unit
- o Findings from the evaluation of eligible applicants carried out by the EET
- o Findings from the external review of the EET's evaluation
- o Establishment of a shortlist of best candidates
- o Selection of candidates from the shortlist and appointment of candidates
- o Replacement of a Scientific Committee or panel member

c) As part of their application, data subjects should provide an Annual Declaration of Interest. The handling of Declarations of Interest (DoI) is considered as a separate data processing operation, for which a DPO notification and an EDPS prior checking notification were made previously (EDPS case ref. 2008-737).

7/ Information to be given to data subjects

Information to data subjects required in accordance with art. 11 and 12 of the Data Protection Regulation is given in art. 10 of the Decision of the Executive Director concerning the selection of members of the Scientific Committee, Scientific Panels and External Experts to assist EFSA with its scientific work (**annex 1**), available on-line, as it contains the following details:

- o a reference to the Data Protection Regulation
- o the identification of the data controller
- o an indication on the purpose of the data processing
- o information on the data recipients
- o information on the categories of personal data concerned
- o information on how data subjects can exercise their rights
- o a reference to the right of data subjects to have recourse at any time to the EDPS

More specific information to data subjects in the on-line form to be used for SC / panel applications:

Applications should be made using an on-line system. Upon submission, applicants receive an automatic reply message in their electronic mailbox, indicating an ID number that can be used to access their application to modify it on-line until the indicated deadline for submission of applications.

Moreover, the on-line system contains the following note:

"The personal information EFSA requests from candidates 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. The purpose of the data processing is to manage applications for membership of the EFSA Scientific Committee or Panels. Where specifically marked in the application form, the provision of data is compulsory and your application will not be considered in case such compulsory data are missing in your application. The follow-up of your application requires the coding of application data in a database at EFSA. These data are further processed under the control of the EFSA Executive Directorate and in view of the evaluation and selection process laid down in the Decision of the Executive Director concerning the selection of members of the scientific committee, scientific panels and external experts to assist EFSA with its scientific work .

[[hyperlink to EFSA website](#)]

EFSA's Policy on declarations of interest and relevant guidance documents can also be found on the EFSA website.

Until the deadline for submission of applications specified in this call, you have the right to rectify or modify any inaccurate or incomplete personal data in your application.

To this end, you may contact EFSA at the address indicated in this call to rectify or modify your submitted application. Information on applicants is kept as long as the reserve list remains valid. Please note that EFSA will not return applications to candidates.

Concerning the processing of your personal data, you have a right to recourse at any time to the European Data Protection Supervisor."

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

By means of the ID number communicated via the electronic tool, data subjects are at any time before the expiry of the deadline of the call able to edit their application and DoI and to re-submit it to EFSA (**see in annex 4**).

As mentioned in the CEI, all candidates will be informed in writing on the outcome of the selection process, by means of a letter to nominated candidates and by e.mail to the unsuccessful candidates. (**see in annex 8**)

9/ Automated / Manual processing operation

The processing is largely carried out by means of an automated tool.

Applications submitted on-line are received in a database, with password protected access to the HR recruitment officers, extended to the EET members in view of screening of applications. Upon submission of an on-line application, an automated confirmation message is returned to the e.mail account of the applicant (see point 7 above).

10/ Storage media of data

As detailed above in point 9, applications are stored electronically in a password protected database on the EFSA servers with access limited to the Staffing & Personnel officers.

11/ Legal basis and lawfulness of the processing operation

11.1 Processing operation is clearly covered by the mandate of EFSA

The legal basis is as follows:

o EFSA Founding Regulation: Regulation (EC) No 178/2002 i.e. article 28 and 37,.

o EFSA Management Board Decision, dd. 17/12/2009 concerning the establishment and operations of the Scientific Committee, scientific panels and of their working groups (**annex 1**)

o Decision of the Executive Director concerning the selection of members of the Scientific Committee, Scientific Panels and External Experts to assist EFSA with its scientific work, i.e. Title I of the Decision (**annex 1**)

<p>12/ The recipients or categories of recipient to whom the data might be disclosed</p> <p>By virtue of article 28 of the EFSA Founding Regulation, and the above-referred Decision of the Executive Director, identified recipients of personal data are:</p> <ul style="list-style-type: none"> o HR Unit (persons at HR Unit of EFSA in charge of supporting the selection process) o EFSA Evaluation Team (EET), further assisted by scientific EFSA staff (see Annex 9 - SOP) o Independent external evaluators o EFSA Executive Director o EFSA Advisory Forum, EFSA Management Board: limited to a printed list containing surname, name, nationality and affiliation of the proposed panel/SC member o EFSA Internal Auditor, Internal Audit Service, European Court of Auditors, OLAF, EU Ombudsman, EDPS, European Court of Justice
<p>13/ retention policy of (categories of) personal data</p> <ul style="list-style-type: none"> o Documents related to appointed experts are kept with the Human Resources Unit for a period of 5 years after the appointment terminates. o In addition, as mentioned in the CEI application form , personal data of short listed experts are included in the EFSA Experts Database if they give consent (note: the EFSA Experts Database was DPO notified and EDPS prior checked earlier - case 2008-455).
<p>13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) <i>(Please, specify the time limits for every category, if applicable)</i></p>
<p>Data subjects can exercise their rights at any time by contacting the EFSA HR Unit. Justified requests for blocking and erasure will be handled within 5 working days.</p>
<p>14/ Historical, statistical or scientific purposes <i>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,</i></p>
<p>EFSA produces comparative statistics on volume applications received for the Calls for Expressions of Interest repeated every 3 years. These statistics are uploaded on the EFSA website.</p>
<p>15/ Proposed transfers of data to third countries or international organisations</p>
<p>No such a transfer is currently foreseen. Candidates can be suggested for the EFSA Experts Database.</p>
<p>16/ The processing operation presents specific risk which justifies prior checking (please describe):</p>
<p>AS FORESEEN IN:</p> <p><input type="checkbox"/> Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,</p>
<p><input checked="" type="checkbox"/> Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,</p>
<p><input type="checkbox"/> Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,</p>
<p><input type="checkbox"/> Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,</p>

Other (general concept in Article 27.1)

17/ Comments

Annexes to the notification:

- (1) Legal framework
- (2) Example CEI (ref.: EFSA/E/2010/002)
- (3) Application form (paper version, identical to on-line module)
- (4) Automatic reply notice following application
- (5) Scoring grid and template evaluation table of the EET
- (6) Evaluation guidelines for the EET and the independent external evaluators during the evaluation process
- (7) Guideline on scoring system
- (8) Template feedback message to unsuccessful candidates
- (9) EFSA Standard Operating Procedure (SOP 36)
- (10) DPO notification of data controller

PLACE AND DATE: Parma, 09/12/2010

DATA PROTECTION OFFICER: Claus Reunis

INSTITUTION OR BODY: European Food Safety Authority (EFSA)