

(To be filled out in the EDPS' office)
Register number: 657

(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 02/02/2011

Case number: 2011-0101

Notification of: ESRB

Legal basis: Article 27-5 of the regulation CE n° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN

Name and address of the controller:

EUROPEAN SYSTEMIC RISK BOARD (ESRB), Secretariat – Head of the Secretariat
Postfach 16 03 19
60066 Frankfurt am Main
Germany

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

ESRB: Secretariat

Name of the processing:

Selection of the Members of the Advisory Scientific Committee of the ESRB

Purpose or purposes of the processing:

Data used to evaluate personal aspects of applicants (such as ability, efficiency or conduct) for appointment as member of the Advisory Scientific Committee of the ESRB and establishment of a reserve list.

Description of the category or categories of data subjects :

Applicants for the appointment in the Advisory Scientific Committee of the ESRB, to “be chosen on the basis of their general competence and their diverse experience in academic fields or other sectors, in particular in small and medium-sized enterprises or trade unions, or as providers or consumers of financial services.” (Article. 12.1 EU Regulation 1092/2010).

¹ OJ L 8, 12.01.2001.

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

Personal generic data;

Curriculum vitae, as specified in Article. 3 ESRB Decision 2011/2 on the procedures and requirements for the selection, appointment and replacement of the members of the ASC;

Personal interest which may be prejudicial to their independence (Article . 7.1 of ESRB Decision 2011/2 on the procedures and requirements for the selection, appointment and replacement of the members of the ASC). See Template No 2 to ESRB Decision 2011/2.

Where applicants reveal data on experience in the field of trade unions, information in relation to trade-union membership may be disclosed. In this context, reference is made to Article 12.1 of EU Regulation 1092/2010 stipulating that the Advisory Scientific Committee shall represent a wide range of skills and experiences and specifies inter alia that the experts shall be chosen on their divers experience amongst others in trade unions.

Information to be given to data subjects:

The Call for Expression of Interest (including the references to other documents like application form) and ESRB Decision 2011/2 deal with the provision of information pursuant to Article 11 and 12 of EC Regulation 45/2001 (such as identity of controller, purpose, categories of the data, recipients of the data, existence of the right of access and the right to rectify the data, legal basis of the processing operation). The time limits for storing the data are currently not detailed in the aforementioned documents but are set out in this prior check notification which will be made accessible to the applicants.

Outcome of the selection and appointment procedure (paragraph 11 of the Call for Expression of Interest).

Procedures to grant rights of data subjects:

In the absence of implementing rules concerning data protection at the ESRB (Article 24.8 of EC Regulation 45/2001), it is proposed that -until the adoption of the relevant implementing rules- Article 9 on the exercise of data subjects' rights of ECB Decision 2007/1 is applied. Pursuant to Article 20.1.c of EC Regulation 45/2001 certain restrictions may, however, apply.

Recourse at any time to the European Data Protection Supervisor

Automated / manual processing operation:

Applications shall be submitted either via courier/post, or by e-mail to the ESRB.

The selection constitutes a manual processing: *Pursuant to Article 2.5 of ESRB Decision 2011/2, eleven persons (provisional) of the ESRB members institutions will manually pre-select the

applications: six persons should come from the ESRB Secretariat, three persons from the ECB, one person from the Commission, one person from the European Insurance and Occupational Pensions Authority (EIOPA). The ESRB members institutions are defined under Article 3.2 of ESRB Decision 2011/2.

*The ESRB Steering Committee shall select the candidates to be proposed to the General Board as members of the ASC and those suitable for inclusion in a reserve list. To this effect, the Steering Committee shall complete an individual assessment form for each candidate as set out under Article 2 of ESRB Decision 2011/2 and shall present the results of the selection process to the General Board for approval. (Article 2 of ESRB Decision 2011/2).

The names of the ASC members shall be published on the ESRB website (Article 11.5 ESRB Rules of procedure – ESRB Decision 2011/1).

Storage media of data: hard copies.

Legal basis of the processing operation:

EU Regulation 1092/2010) of the European Parliament and of the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board; in particular its Article 12.

Rules of procedure of the European Systemic Risk Board (Article 11 ESRB Decision 2011/1).

ESRB Decision 2011/2 on the procedures and requirements for the selection, appointment and replacement of the members of the ASC.

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

See above, under “Automated / manual processing operation”

General indication of the time limits for requests of data subjects:

No specific time limits applicable. See under heading 8 of this notification as to the proposed general procedures and conditions concerning the exercise of data subjects' rights.

for blocking: No specific time limits applicable.

and/or

for erasing: No specific time limits applicable.

of the different categories of data (*Please, specify the time limits for every category, if applicable*)

Retention policy of personal data

How long is the data kept?

Two years for applicants who have been neither retained on the reserve list nor appointed to the ASC.

Five years after the expiry of the mandate for appointed members of ASC.

Two years from the approval of the reserve list for candidates inserted in the reserve list, unless the validity of the reserve list is extended; in such case the data will be retained until a new Call for Expressions of Interest is published. If a candidate in the reserve list is appointed as member of the ASC, their data will be further retained for five years after the expiry of their mandate.

In case of a legal challenge, the above dates shall be extended until two years after completion of all relevant proceedings.

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. N/A

Proposed transfers of data to third countries or international organisations

N/A

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,

N/A

† Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

Applicable

† Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

N/A

† Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

N/A

† Other (general concept in Article 27.1)

N/A

Comments

N/A

Place and date: Frankfurt am Main, 2 February 2011

Data Protection Officer: Current prior check filed by the ECB Data Protection Officer at the request of the ESRB Secretariat.

Institution or body: European Systemic Risk Board