

REGISTER NUMBER: 693

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 14/06/2011

Case number: 2011-0575

Institution: European Commission

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

2) Name and First Name of the Controller: VANHOORDE Robert

3) Title: Head of Unit

4) Directorate, Unit or Service to which the Controller is attached: DDG2.03

5) Directorate General to which the Controller is attached: SANCO

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

26) External Company or Directorate General to which the Processor is attached:

25) External Company or Directorate, Unit or Service to which the Processor is attached:

3/ Name of the processing

Selection procedure for the position of Member of the Management Board of the European Food Safety Authority (EFSA)

4/ Purpose or purposes of the processing

Processing is carried out for the purpose of managing an open procedure for the selection of the best-suited candidates to fill the position of Members of EFSA Management Board.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Data subjects are all the applicants in the Call for expressions of interest.

16) Category(ies) of Data Subjects:

See point 14.

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

17) Data field(s) of Data Subjects:

Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10

Application form: identification data and contact information of applicants, data on the applicants' language knowledge, current employer, qualifications and professional experience;

Declaration of interests form (see comments under point 37): data concerning the applicants' professional career (e.g. participation in a managing body, activities as a member of a scientific advisory body, employment, consultancy or advisory activities), private interests (e.g. ownership or other investments, research funding, intellectual property, other membership or affiliation), interests of close family members; Other application documents: CV and motivation letter (both attached to the application file), supporting documents (if requested at a later stage of the selection procedure)

Evaluation of qualifications: evaluation grids and other data relating to applicants generated as a result of the assessment carried out by the pre-selection and selection committees with regard to the matching of applications against the criteria set out in the Call.

The following data fields of candidates may be published on DG SANCO website after formal adoption of the Commission's shortlist (as mentioned under point 15 a):

- Candidates' name and nationality;
- If applicable, candidates' background in organisations representing consumers or other interests in the food chain (according to Article 25(1) of Regulation (EC) N° 178/2002).

No data fields which fall under Article 10 of Regulation (EC) No 95/2001 are processed.

18) Category(ies) of data fields of Data Subjects:

Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10

See point 17.

7/ Information to be given to data subjects

15a) Which kind of communication(s) have you foreseen to inform the Data Subjects as described in articles 11 - 12 under 'Information to be given to the Data Subject'

The Call for expressions of interest, the Application form and the Declaration of interests form all contain a specific Section on personal data protection and the invitation to consult the Specific Privacy Statement published on the Call webpage.

In the Call for expressions of interest, applicants are informed that the Commission's shortlist of candidates will be published on DG SANCO website, for transparency reasons, after its formal adoption. Applicants are also informed that they have the right to object to publication of their personal data on the grounds that such publication would harm their legitimate interests. The procedure to object is explained in the Specific Privacy Statement.

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

15b) Which procedure(s) did you put in place to enable Data Subjects to exert their rights: access, verify, correct, etc., their Personal Data as described in articles 13 - 19 under 'Rights of the Data Subject' :

The procedure, together with the Controller's contact information, is provided in the Specific Privacy Statement (see attachment under point 15 a) above).

9/ Automated / Manual processing operation

7) Description of Processing:

Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

In order to draw up a short-list of the most suitable candidates for the position of Members of EFSA Management Board, on the basis of which the Council will take its decision on appointment, the Commission launches and manages an open Call for expressions of interest thereby processing a certain amount of personal data of applicants in the Call.

The data submitted by applicants are handled by different actors in the selection process: DG SANCO (Unit DDG2.03), the Pre-selection and Selection Committee, the EP observer designated for the procedure and Commission Members adopting the final decision on the Commission's list. Once adopted by the Commission, the list of candidates is published on DG SANCO website. The list, accompanied by the relevant documentation, is then transmitted to the Council which in turn transmits it to the EP, in view of the final decision on appointment.

For a detailed description of data processing operations carried out in the context of the selection procedure, see the Table attached under point 37.

The processing involves personal data falling under Article 27 of Regulation (EC) No 45/2001 and is subject to prior checking by the EDPS.

8) Automated Processing operation(s):

See Table attached under point 37 (column on "Description of processing").

9) Manual Processing operation(s):

See Table attached under point 37 (column on "Description of processing").

10/ Storage media of data

Selection files are stored both electronically and physically (in paper form).

Electronic files are stored in a separate and secure network drive accessible only to a well-defined population of authorised users in DG SANCO and, if appropriate, in other DGs involved in the selection procedure. Archived files are kept in an electronic medium in a physically secure location with restricted access. For further details, see the Table attached under point 37 (column on "Data protection measures").

Paper files are locked in secure cabinets of DG SANCO with access limited to designated staff members of SANCO.DDG2.03 on a need-to-know basis.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Processing is based on Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

According to Article 25 of that Regulation, members of EFSA Management Board are appointed by the Council in consultation with the European Parliament from a short-list drawn up by the Commission.

Additionally, Article 37 of the same Regulation requires that members of the Management Board undertake to act independently in the public interest and to disclose at any time the existence of possible conflicts of interests that may place the impartiality of EFSA at risk.

12) Lawfulness of Processing:

Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

Processing is lawful in accordance with Article 5(a) and (b) of Regulation (EC) No 45/2001, since it is necessary for the performance of a task carried out in the public interest on the basis of a legal instrument adopted according to the Treaties and for compliance with a legal obligation to which the Controller is subject under Article 25 of Regulation (EC) N° 178/2002.

Article 27 "Prior checking" of Regulation (EC) No 45/2001 is applicable.

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

<p>20) Recipient(s) of the Processing:</p> <p>See Table attached under point 37 (column on "Recipients").</p>
<p>21) Category(ies) of recipients:</p> <p>Recipients belong to the following categories:</p> <ul style="list-style-type: none"> - Staff/members of EU institutions and agencies; - General public (with regard to personal data which are published on DG SANCO website, after formal adoption of the Commission's short-list ? see point 17).
<p>13/ retention policy of (categories of) personal data</p>
<p>Electronic files are kept for 3 months after the end of the selection procedure and are then archived. Archived files are destroyed after 5 years as from the end of the selection procedure.</p> <p>Selection dossiers in paper format are kept in locked cabinets of the DG for 5 years after the end of the selection procedure and are then destroyed. Commission's documents containing personal data will be archived in accordance with the relevant Commission's legal framework.</p> <p>However, personal data of successful candidates are kept for the entire period in which these candidates are on duty (i.e. up to a maximum period of 8 years after appointment, corresponding to two consecutive mandates of 4 years to which each member of EFSA Management Board is entitled).</p>
<p>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) (on justified legitimate request from the data subject) <i>(Please, specify the time limits for every category, if applicable)</i></p>
<p>22 b) Time limit to block/erase data on justified legitimate request from the data subjects</p> <p>Legitimate requests from data subjects to have their data blocked or erased in accordance with Articles 15 and 16 of Regulation (EC) No 45/2001 will be replied by the Controller within 15 working days as from receipt of the request.</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>22 c) 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</p> <p>n/a</p>
<p>15/ Proposed transfers of data to third countries or international organisations</p>

27) Legal foundation of transfer:

Only transfers to third party countries not subject to Directive 95/46/EC (Article 9) should be considered for this question. Please treat transfers to other community institutions and bodies and to member states under question 20.

Only transfers to other EU institutions or bodies (Article 7 of Regulation (EC) No 45/2001) take place. According to the opinion of the EDPS, publication of personal data on a publicly available website and the resulting availability of data worldwide do not constitute a transfer within the meaning of Article 9 of Regulation (EC) No 45/2001. In any case, data subjects are informed of such publication and are given the opportunity to object to it based on legitimate reasons (see point 15 a)).

28) Category(ies) of Personal Data or Personal Data to be transferred:

n/a

16/ The processing operation presents specific risk which justifies prior checking (please describe): (*please describe*):

7) Description of Processing:

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Article 27 "Prior checking" of Regulation (EC) No 45/2001 is applicable.

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,

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,

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

17/ Comments

1) Date of submission:

10) Comments if applicable:

No assessment of the candidates' skills, capacity or suitability for the position derived from the candidates' performance during interviews or tests is carried out.

Evaluation of candidates is limited to a comparative analysis of qualifications and competences (based exclusively on the declarations made by each candidate in the application documents) and to the objective attribution of ranking points to candidates in result of this comparison of "merits". The evaluation is conducted against the objective criteria on qualifications for the position laid down in the Call for expressions of interest. These criteria relate in particular to the areas of competence and the number of years of relevant professional experience, as well as to the ability to work in a multicultural and multidisciplinary environment derived solely from the candidate's declared experience. The criterion of the broadest possible geographic distribution within the EU also applies.

36) Do you publish / distribute / give access to one or more printed and/or electronic directories?

Personal Data contained in printed and/or electronic directories of users and access to such directories shall be limited to what is strictly necessary for the specific purposes of the directory.

If Yes, please explain what is applicable.

no

37) Complementary information to the different questions if applicable, including attachments to this notification which should not be public :

Complementary information to point 7: a detailed description of the data processing is provided in the Table attached below.

Complementary information to point 17: the Declaration of interests form annexed to the Call for expressions of interest is the same form already in use at EFSA for Annual Declarations of interests (ADoIs) of Members of the Management Board. Data quality aspects in relation to the data fields requested in this form have been already assessed by the EDPS in the context of a prior checking procedure concerning the "Handling of Annual and Specific Declarations of Interest" by EFSA (Case ref.: 2008-737). In its opinion of 5 June 2009, the EDPS

concluded that "having examined the data fields requested by EFSA in the annual and specific declaration forms (?), the EDPS considers that in principle the requested information is adequate, relevant and not excessive for the purposes to see whether any conflict of interests which potentially could interfere with the work of the data subjects could appear" (p. 13).

PLACE AND DATE:07/06/2011

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission