

**REGISTER NUMBER: 700**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 28/06/2011

Case number: 2011-0627

Institution: European Commission

Legal basis: article 27-5 of the regulation CE 45/2001<sup>(1)</sup>

*(1) OJ L 8, 12.01.2001*

**INFORMATION TO BE GIVEN<sup>(2)</sup>**

*(2) Please attach all necessary backup documents*

1/ Name and address of the controller

2) Name and First Name of the Controller: DUFORT Geraldine

3) Title: Deputy Head of Unit

4) Directorate, Unit or Service to which the Controller is attached: B.3

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

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:

DIGIT

3/ Name of the processing

Selection of participants to (internal/external) learning and development actions

4/ Purpose or purposes of the processing

To organise and manage the selection process of candidates who intend to take part in learning and development actions (internal or external) requiring specific pre-requisite and/or with limited number of places available.

5/ Description of the category or categories of data subjects
<p>14) Data Subject(s) concerned:</p> <p>Applicants to learning and development programmes</p>
<p>16) Category(ies) of Data Subjects:</p> <p>Cf point 14</p>
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)
<p>17) Data field(s) of Data Subjects:</p> <p>Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10</p> <p>Cf point 18</p>
<p>18) Category(ies) of data fields of Data Subjects:</p> <p>Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10</p> <p>The following data fields may be used:</p> <ul style="list-style-type: none"> <li>-The application form, including personal data like surname, first name, service, office, telephone number, (e-mail) address, grade, functions. These data may be extracted from or checked against Sysper2.</li> <li>- Motivation letter and supporting documents, (degrees, certificates, diplomas length and field of professional experience);</li> <li>- Languages (and level).</li> <li>- The assessment as regards the eligibility of candidates, the matching of the application with the selection criteria and the performance (if applicable) during the interview(s);</li> <li>- The evaluation of candidates who have been invited for an interview.</li> <li>- Information indicating which candidates have been selected or short-listed.</li> </ul>
7/ Information to be given to data subjects
<p>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'</p> <p>Applicants receive the mandatory legal information related to the processing of their data via a ?Privacy Statement? on the registration page of their application (see annex).</p>

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' :

- Candidates can change their data up to the end of the deadline for applications. After the deadline, they can request factual corrections by addressing themselves to the course manager.

- Candidates can ask for oral or written feedback regarding decisions taken on their application. They can ask for explanations on how eligibility or selection criteria are applied and how they relate to their specific case. If a priority ranking is established, candidates can ask what is their positioning. No comparative data including other candidates' data can be transmitted.

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)"

These processes are intended to establish a list of suitable candidates to participate in learning and development programmes with limited places available or entailing minimum requirements, i.e. information programme in Member States, Fellowship programme, HR professionalisation programme?.

A call for applications is published on MyIntracomm ? the intranet of the Commission - (Learning and development pages) with all relevant information on the programme (objectives, organisation, logistics contacts, deadline for submission) as well as eligibility and selection criteria.

At the expiry of submission deadline, eligibility criteria are verified by HR.B.3 staff (these may include, grade, function group, contractual status, seniority, managerial functions, approval from hierarchy, etc).

In a second stage, selection criteria are examined by a selection panel whose composition is indicated in the call for applications. Selection criteria may include the link between the objectives of learning and development action and the functions of the candidate, his professional experience, career path and motivation.

In some cases the selection committee may interview the applicants, and the performance of candidates during interviews is assessed.

Applicants are informed by e-mail on the outcome of their applications.

If appropriate, the final list of selected candidates may be published on the intranet. The data collected relate to curriculum vitae and accompanying documents: motivation letter, copies

of certificates, proofs of professional experience, references, etc.).

They are submitted by candidates themselves with their curriculum vitae or by filling a form. They are handled by DG HR.B.3 and the selection committee.

Since the processing includes the evaluation of the ability of data subjects, it is subject to prior checking by the European Data Protection Supervisor pursuant to article 27(2)(b).

8) Automated Processing operation(s):

Inscriptions may be collected either by e-mail or by Syslog functionalities (see notification entitled Management of central and local training - SYSLOG Formation)

9) Manual Processing operation(s):

n/a

10/ Storage media of data

Stored electronically in HR.B.3 Common folders. Access is restrained to unit staff. It can be password protected to further limit access.  
Paper files are stored in HR B3 locked archives rooms.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

- Staff Regulations Article 24

- Common rules laying down the procedure for implementing Article 24(3) of the Staff Regulations (I.A. n° 839 du 18.3.1994- 11) ? ([http://myintracomm.ec.europa.eu/hr\\_admin/fr/training/policy/Pages/index-1.aspx](http://myintracomm.ec.europa.eu/hr_admin/fr/training/policy/Pages/index-1.aspx))

- Commission Decision E(2002) 729, 7 May 2002 on Staff Training ? ([http://myintracomm.ec.europa.eu/hr\\_admin/fr/training/policy/Pages/index-1.aspx](http://myintracomm.ec.europa.eu/hr_admin/fr/training/policy/Pages/index-1.aspx))

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)"

Lawfulness of processing is based on Article 5.a of Regulation (EC) No 45/2001. Processing is necessary for the performance of a task carried out in the public interest on basis of the Treaties establishing the European Communities.

Since processing is intended to evaluate the ability of candidates, it is subject to a prior checking by the EDPS pursuant to Art. 27(2) b) of Regulation (EC) No 45/2001.

Access to some documents containing comparative data on candidates might be restricted to protect the rights and freedoms of others (cf. Art. 20 (1) c) of Regulation (EC) No 45/2001.

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

20) Recipient(s) of the Processing:

Applications files are transmitted to the members of the selection committee

List of successful candidates is transmitted to :

-Director general of DG HR and/or other DGs.

-Associated services ((DGs involved in the conception and/or organisation of the action)

-Candidate?s hierarchy and HR services.

<p>21) Category(ies) of recipients:</p> <p>Cf Point 20</p>
<p>13/ retention policy of (categories of) personal data</p>
<p>Data entered with the applications will be kept for 1 years following the date of closure of the call for applications, or following the end of the action for successful applicants.</p> <p>Data relating to the learning and development action are kept for the duration of the staff member?s career, according to the staff regulations. Certain data need to be kept for a longer period if they are related to ongoing rights and obligations (i.e. certifications)</p> <p>Data relating to the selection procedure itself will be kept or a period of 1 year or - in case of complaints - for full the time the proceedings might take plus one full year following the data a final decision has been taken.</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)</p> <p>(on justified legitimate request from the data subject)</p> <p><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>Data can be blocked at the request of a data subject when a complaint is introduced in a time limit of two week after the request to allow the examination of the case by the Controller.</p>
<p>14/ Historical, statistical or scientific purposes</p> <p><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>
<p>27) Legal foundation of transfer:</p> <p>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.</p>
<p>28) Category(ies) of Personal Data or Personal Data to be transferred:</p>

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

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Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

n/a
<input type="checkbox"/> 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
<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,
n/a
<input type="checkbox"/> Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,
n/a
<input type="checkbox"/> Other (general concept in Article 27.1)
n/a
17/ Comments
1) Date of submission:
10) Comments if applicable:
n/a
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 :

PLACE AND DATE:28/06/2011

DATA PROTECTION OFFICER: RENAUDIÈRE Philippe

INSTITUTION OR BODY:European Commission