

REGISTER NUMBER: 735

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 13/09/2011

Case number: 2011-0833

Institution: FHC - FUEL CELLS AND HYDROGEN JOINT UNDERTAKING

Legal basis: Art. 27 Regulation (CE) 45/2001

(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:

FCH JU - TO56-Brussels

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

HR Responsible and the Recruitment panel

3/ Name of the processing

Staff recruitment

4/ Purpose or purposes of the processing

Evaluation, selection and recruitment of staff

5/ Description of the category or categories of data subjects

Candidates in the recruitment procedures for permanent staff, temporary agents, and contractual agents

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

Name, gender, birth date, address, email, phone number, nationality, education, knowledge of languages, moral conduct, professional experience, recommendation letters, family situation and related supporting certificates, any other information provided by the person;

Pre-employment medical check-up (Résultat de l'examen médical): only applicable to recruited candidates

7/ Information to be given to data subjects

The vacancy notice indicates that the personal information FCH JU 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 European Union institutions and bodies and on the free movement of such data.

Via the Privacy Statement available on the FCH JU website data subjects are informed about the nature of the data and the processing, including: controller, recipients, purpose, lawfulness, and rights of the data subjects. Furthermore, in case of queries or complaints, the data subjects have the right to contact the FCH JU DPO, the controller in practice (FCH Executive Director). In case of complaint, data subjects have the right to address the issue to the EDPS.

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

The procedures to grant rights to data subjects are laid down in Articles 9 to 18 of the FCH JU Implementing rules concerning data protection. These include access to the DPO's register of data processing operations; requests from data subjects to the Data Controller to exercise their rights; as well as detailed procedures to exercise the rights to access, rectify, erase, block, and object (as required by articles 13-16 of Regulation (EC) No 45/2001).

9/ Automated / Manual processing operation

Manual

The staff recruitment data is subject predominantly to manual review and treatment. The recruitment files of successful candidates are collected and organised in separate personnel files of each staff member. The 'Résultat de l'examen médical' following the pre-recruitment medical check-up is also stored within the personnel file.

Automated

Electronic processing is limited to online applications and excel sheets which serve as aids in the management of the recruitment processes.

10/ Storage media of data

The data are stored electronically with access limited to authorised staff. Paper application files are stored in a locked cabinet until their destruction.

11/ Legal basis and lawfulness of the processing operation

Articles 12-15 and 82-84, 86 of the Conditions of Employment of Other Servants of the European Communities; Implementing rules:

- General implementing provisions on the procedures governing the engagement and the use of contract staff at the FCH Joint Undertaking;
- General implementing provisions on the procedure governing the engagement and the use of Temporary agents at the FCH Joint Undertaking.

Article 5 (a,d) of Regulation (EC) No 45/2001;

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

The staff recruitment data is accessed by the HR Officer and the members of the recruiting panel (including external experts participating in the recruitment process). Authorised staff from external bodies (Court of Auditors, Internal Audit Service of the European Commission) may also have access to relevant personal data for audit control purposes.

13/ retention policy of (categories of) personal data

Contract and temporary agents*

- recruited applicants: up to ten years as of the termination of employment
- non-recruited applicants: two years following the recruitment procedure
- non-recruited applicants on the "reserve lists for appointment": fixed in terms of the validity and the actual extension of the respective reserve lists.

* As the indicated period exceeds the date of existence of FCH JU (2017), the exact location where the data will be archived will be defined in the context of the liquidation procedure or the renewal of FCH JU.

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)

The Data Controller shall take a decision within 15 working days of receiving a request for data to be blocked. If the request is accepted, it shall be acted upon within 30 working days and the Data Subject notified thereof. Should the request for blocking be rejected, the Data Controller shall have 15 working days within which to inform the Data Subject by means of a letter stating the grounds for the rejection (Article 13(3) of FCH JU Implementing rules).

The Data Controller shall reply within 15 working days of receiving a request for erasure. If the request is accepted, it shall be acted upon immediately. If the Data Controller deems the request unjustified, he or she shall have 15 working days within which to inform the Data Subject by means of a letter stating the grounds for the decision (Article 14(3) of FCH JU Implementing rules).

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,

N.A.

15/ Proposed transfers of data to third countries or international organisations

N.A.

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

Staff recruitment data processing may involve the request of a certificate of morality as foreseen in Article 27.2.(a). Furthermore, staff recruitment processing operations involve the evaluation of personal aspects relating to the data subjects as foreseen in Article 27.2.(b).

17/ Comments

PLACE AND DATE:

DATA PROTECTION OFFICER:

INSTITUTION OR BODY: