

NOTIFICATION TO EDPS FOR PRIOR CHECKING ¹

Register Number: 0822

Date of submission:	18/01/2012
Case number:	2012-0057
Institution:	REA
Legal basis:	Article 27-5 of the regulation CE 45/2001 ²

¹ To be filled out in the EDPS' office

² OJ L 8, 12.01.2001

Information to be given ³

1 Name and address of the controller

Wim DE MEYERE
Research Executive Agency (REA)
Unit A.3.001 (Human Resources)
COV2 15/052
B - 1049 Brussels

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

REA, Unit A.3.001 (Human Resources)

3 Name of the processing

Selection of Contract Agents (CA)

4 Purpose or purposes of the processing

The human resources sector (hereinafter referred to as "REA HR") of the REA defines, coordinates and ensures the implementation of human resources policies (covering the whole employment life-cycle) within the Agency, on the basis of the relevant provisions of the Staff Regulations and the Conditions of Employment of Other Servants of the European Communities.

In order to fill the Contract Agents' vacancies according to the establishment plan, the REA HR organises the whole selection process. The selection process starts at the moment a REA unit notifies the REA HR that a post is vacant (or will be vacant) for a contract agent and ends once the job offer (s) has been accepted by the selected candidate (s).

The processing operation is necessary for the selection procedure of the best qualified candidates according to the job description.

In particular it is necessary in order to:

- Manage the correspondence with candidates;
- Verify if candidates fulfil the eligibility criteria;
- Select candidates to be invited to interviews;
- Establish a list of selected candidates to be recruited as Contract Agents by the Agency.

5 Description of the category or categories of data subjects

Candidates or applicants for the posts of Contract Agents

³ Please attach all necessary backup documents

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

The selection procedures at the REA are currently managed through the ERL/CAST database and by using the EPSO CV (online).

a. EPSO CV accessible via the ERL/CAST database

The EPSO CV online form contains the following fields/information:

- Personal details

Surname at birth, current surname, forename, street, postcode, city, country, date of birth, nationality, telephone number, fax number, email.

- Work experience

Dates, experience total month count, occupation category, type of business or sector, occupation classification, name and address of employer, occupation or position held, main activities and responsibilities.

- Education and Training

Dates, education type, name and type of organisation providing education and training, principal subjects/occupational skills covered, title of qualification awarded, level in national qualification.

- Languages

Mother tongue, other languages and the level for each one of them (spoken, written, read)

- Skills and competencies

Personal skills, social skills, technical skills, artistic skills, driving skills, other skills, additional information.

- Motivation letter

For the recently organised CASTS (Contract Agent Selection Tests).

b. Other

Financial identification, legal entity forms as well as a copy of the passport or identity card (for the reimbursement of travel).

7 Information to be given to data subjects

A Specific Privacy Statement, relevant to the selection procedure for Contract Agents, will also be created and distributed to the candidates/applicants at the beginning of the selection procedure.

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

Data subjects can request access to the data the Agency keeps and exercise their rights upon a simple request via e-mail to the functional mail box REA-CA-JOBS@ec.europa.eu.

Candidates can withdraw their candidacies at any moment by sending a request to REA-CA-JOBS@ec.europa.eu.

After the closing date for the submission of CVs (updated), the information provided, to allow for the verification of the eligibility and selection criteria, can no longer be modified.

Candidates may modify their identification or contact details at any time during the selection procedure by sending (email) the new contact details to REA-CA-JOBS@ec.europa.eu.

Data subjects may be given access to their evaluation results regarding all stages of the selection procedure (e.g. interview) unless the exception of Article 20(1)(c) of the Regulation in line with Article 6 of the Annex III to the Staff Regulations are applied. In that case, data subjects may be provided with aggregated results.

At any time data subjects can access their personal data and rectify it (where applicable) online on their EPSO profile.

9 Automated / Manual processing operation

- ERL/CAST database

The ERL/CAST database is the tool currently used by REA in order to identify suitable candidates to be invited to the selection process.

Working procedure within the framework of Contract Agents' selection activity

The main steps regarding the selection of contract agents can be summarised as follows:

a. Searching of candidates in the ERL/CAST database

On the basis of the general selection criteria, established according to the job description, authorised REA officers may perform a search on the ERL/CAST database and establish a list of suitable candidates.

Candidates having submitted spontaneous applications, and are in the ERL/CAST database, may also be considered for the post in question.

b. Eligibility verification and evaluation of qualifications and experience based on the CV of the candidate

Based on the produced list, the REA HR will send an email to the identified potential candidates asking them if they would like to be considered for a specific post for contract agents. Candidates that have confirmed their interest, are requested to send an updated CV.

The CVs of suitable candidates are then printed and examined by the REA HR in order to ensure that they meet the pre-defined eligibility criteria. Based on the outcome of eligibility verification, the REA HR establishes the final list of candidates to be invited to an interview.

c. Organisation of interviews

After the nomination of the Selection Committee, the Chairperson and the members are reminded to respect the Regulation (EC) No 45/2001. The Chairperson and the members of the Selection Committee must sign a declaration of absence of conflict of interest and of confidentiality. The person providing secretarial support to the selection committee must also sign a declaration of confidentiality.

At the end of each interview, the members of the Selection Committee have to complete and sign the interview evaluation form for each candidate.

The evaluation forms (interview) completed by the selection committee are not disclosed to the candidates. In fact, these documents, which facilitate comparative assessments of the tested candidates, belong to the deliberation process of the Selection Committee; the secrecy inherent in the Selection Committee proceedings precludes their communication.

d. Final short-list of candidates

At the end of the selection procedure the Selection Committee completes the final report indicating the candidates that have been short-listed (in a descending order based on the received evaluation). The list will be submitted to the Authority entitled to conclude contracts of the Agency for approval.

Listing on the short-list remains subject to the confirmation of the eligibility of the candidate following the verification of the required original (or certified) documents.

Once the final report is approved by the Authority entitled to conclude contracts of the Agency, and according to the number of posts to be filled, the REA HR will send by email an offer of employment to the "top x" candidates of the short-list.

The short-list will be valid for six months following the conclusion of the selection procedure since the remaining shortlisted candidates may receive an offer of employment if a similar position becomes available in the unit (s) that launched the selection procedure.

Candidates who have not been placed on the short-list will be informed by emails about the outcome of the interview.

10 Storage media of data

A main part of the selection procedure is handled/assisted electronically through the ERL/CAST and EPSO CV (online). The part of the process not managed via the database of the ERL/CAST is stored either on paper files or electronically (file server of the REA, emails).

11 Legal basis and lawfulness of the processing operation

- **Council Regulation (EC) No 58/2003 of 19 December 2002** laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes.
 - a. Article 18 lays down the general conditions regarding the staff to be recruited by the executive agencies. In particular:

- b. Article 18, paragraph 1, the executive agency's staff shall consist of Community officials seconded as temporary staff members by the institutions to positions of responsibility in the executive agency, and of other temporary staff members directly recruited by the executive agency, as well as of other servants recruited by the executive agency on renewable contracts. The nature of the contract, governed by either private law or public law, its duration and the extent of the servants' obligations vis-à-vis the agency, and the appropriate eligibility criteria shall be determined on the basis of the specific nature of the tasks to be performed, and shall comply with the Staff Regulations as well as with current national legislation.
 - c. Article 18, paragraph 3, the Steering Committee, in agreement with the Commission, shall adopt the necessary implementing rules for personnel management within the executive agency, if necessary.
 - d. Article 11, paragraph 6, the director shall be empowered under the arrangements applicable to other servants of the European Communities to conclude employment contracts in respect of staff of the executive agency. The director shall be responsible for all other matters relating to personnel management within the executive agency.
- **European Commission Decision 2008/46/EC of 14 December 2007** setting up the Research Executive Agency for the management of certain areas of the specific Community programmes (People, Capacities and Cooperation) in the field of research in application of Council Regulation (EC) No 58/2003.
 - **Conditions of Employment of Other Servants of the European Communities**
 - a. Articles 82-84 concerning the conditions of engagement of Contract Agents.
 - **Decision of the Steering Committee of 20/10/2009 (REA/SC(2009)11)** on the general implementing provisions on the procedures governing the engagement and the use of Contract staff at the Executive Agency.

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

- **REA**
 - a. Members of the Selection Committee
 - b. REA HR sector
 - c. Director, Head of department "Administration, Finance and FP7 Support", Heads of Units, Heads of Sectors, Team Leaders of the REA
 - d. REA Internal Services (legal service, internal audit)
- **Other potential recipients**

The

- a. The competent Appointing Authority (in case of a request or a complaint)
- b. European Commission
- c. European Ombudsman
- d. Civil Service Tribunal
- e. Court of First Instance
- f. General Court of the European Union
- g. European Court of Justice
- h. Court of Auditors
- i. European Data Protection Supervisor
- j. OLAF

This transmission will be restricted to the information necessary for the competent entity to carry out its task.

Note: Personal data is also processed by ERL/CAST database.

13 Retention policy of (categories of) personal data

- Non recruited candidates included in the final short-list:

Data will be kept for two years following the conclusion of the selection procedure, in the light of possible complaints to the European Ombudsman.

- Candidates invited to an interview but not included in the final short-list:

Data will be kept for two years following the conclusion of the selection procedure, in the light of possible complaints to the European Ombudsman.

- Candidates not invited to an interview:

Data is kept for two (2) years following the conclusion of the selection procedure in the light of possible complaints to the European Ombudsman.

- Reimbursement of travel expenses

The documents related to the reimbursement of travel expenses (financial identification and legal entity forms) are processed and filed by the financial sector of the Agency, responsible for the payment to the candidates. According to the financial regulations, the retention period of the financial dossiers is 5 years after the budget discharge.

- Anonymous/Statistical reports

These reports will be kept for five (5) years.

- Short-list

The short-list will be valid for six months following the conclusion of the selection procedure since remaining successful candidates may receive an offer for employment if a similar position becomes available in the same unit (s).

13.1 Time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) ⁴

- Time limit to rule on a request: 45 working days (beginning from the reception of the request).
- Blocking period: Immediately (maximum delay of 5 working days).
- Erasure Period: Maximum delay of 5 working days after the ruling on the request.

⁴ Please, specify the time limits for every category, if applicable

14 Historical, statistical or scientific purposes ⁵

Data (Nationality/gender/category) can be kept for statistical purposes but in a form that does not permit identification.

15 Proposed transfers of data to third countries or international organisations

Not applicable

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

The processing operations that occur in the context of selection aim at evaluating mainly the eligibility of each candidate for the post in question.

As foreseen in:

Article 27.2.(d)

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

Other (general concept in Article 27.1)

17 Comments

Not applicable

Other details	
Place and Date:	Brussels, 16 January 2012
Data Protection Officer	Evangelos TSAVALOPOULOS
Institution or Body	Research Executive Agency (REA)

⁵ 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

EDPS Opinion ⁶

Of date:	
Case Number:	
Follow up (in case of acting measures to be taken):	

⁶ To be filled out in the EDPS' office