NOTIFICATION TO EDPS FOR PRIOR CHECKING [1]

Register Number: 0823

Date of submission:	18/01/2012
Case number:	2012-0058
Institution:	REA
Legal basis:	Article 27-5 of the regulation CE 45/2001[2]

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[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

Recruitment 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.

The recruitment process starts at the moment the candidate accepts the job offer.

The processing operation is necessary for the recruitment of contract agents in order to fill vacant posts for which the respective selection procedure has been completed.

In particular it is necessary in order to:

- Manage the personnel file of recruited staff;
- Establish and manage the individual rights of recruited staff;
- Manage the documentation relevant to the career of the recruited staff.

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[3] Please attach all necessary backup documents

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5 Description of the category or categories of data subjects

Selected candidates to be recruited as Contract Agents (CA)

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

During the processing operation, the following data/information is collected/processed:

a. Data collected/processed before the entry into service

- A copy of a document proving the candidate's citizenship (e.g. passport, identity card or any other official document specifying citizenship)

- A copy of the candidate's birth certificate

- Copies of the birth certificate of the candidate's children

- A copy of the marriage certificate or divorce/legal separation judgements

- Original recent certificate of good conduct issued for a public administration by the police or by a relevant administration

- A document proving that the candidate has fulfilled his obligations concerning either compulsory military service or civilian service, if applicable;

- Copies of the diploma(s) attesting a successful completion of the required level of education and of any other diplomas obtained;

- Copies of professional training certificates;

- Documented evidence of the candidate's professional experience clearly indicating starting and finishing dates and the nature of the duties carried out (e.g. employment contracts, employers' references, payslips);

All the above collected information/documents form the recruitment file of the candidate.

b. Data collected/processed at the moment of entry into service

During the day of first entry into service, the data subject is requested to provide (if applicable) to the REA HR a proof of income of his/her partner and a proof of allowances received from the state (national allowances).

In addition, the data subject will need to fill-in the following documents/forms:

- Financial identification form

This form contains the following fields/data: Account name, address, name of the bank, branch address, account number and IBAN code.

- Legal entities form

This form contains the following fields/data: Title, name (s), surname, official address, VAT number, passport number, date, place and country of birth, phone number, fax number and e-mail address of the new staff member.

- New members of staff – form 1 (for determining the individual rights under the staff regulations)

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This form contains the following fields/data: Name and surname, private address of the new staff member, information of previous residences, name, surname, address and telephone number of contact person to contact in case of accident, birth name(if applicable), date, country and place of birth, date of receiving current nationality (if applicable), other nationalities, place of residence before entering the service, marital status, name, surname, place and date of birth, nationality and information on employment of spouse, name, surname, date and place of birth, nationality and information of study for dependent children, surname, address and status of person the children are under the custody of.

- Entry into service – form 2

This document gives information on the determination of the place of origin and transfer of pension rights. The new staff member is asked to sign an acknowledgement of receipt.

- Confidential declaration

This form contains the following fields/data: Name and surname of the new staff member, home address and phone number, civil status, date of marriage or divorce and begin and end date of partnership, other insurance coverage, name and surname of spouse, sex, date of birth and address of spouse, information on gainful employment, name and address of current employer, annual income of spouse, name and surname, date of birth, place of residence of dependent children, information concerning existing insurance, name, surname, date of birth and place of residence of possible persons treated as dependent child.

- Declaration of absence of conflict of interest and of confidentiality

This form contains the following fields/data: Name, surname, unit, begin and end date of contract and a brief description of the post.

- Badge request form

This form contains the following fields/data: Status, grade, step, nationality, validity of identification document, brand, type and registration plate number of car.

- Declaration of marriage

This form contains the following fields/data: name, surname and surname after marriage of the new staff member, date, country and place of marriage, name, surname and surname after marriage of spouse, sex of spouse, country, place and date of birth of spouse, nationality of spouse, information on gainful employment or benefits of spouse (unemployment benefit, career break, student, employee, self-employed, parental leave, pension, sickness benefit, redundancy pay, to be supported by official documents).

- Declaration of entitlement to the dependent child allowance.

This form contains the following fields/data: Name and surname of the staff member, name and surname of the child, date and place of birth/adoption, sex and nationality of the child.

- Application for the dependent child allowance, child >18 years

This form contains the following fields/data: Name and surname of the staff member, name, surname and date of birth of the child, information on income of the child.

- Family allowances received from other sources

This form contains the following fields/data: Name and surname of the staff member, name, surname and date of birth of the child/children.

- Installation allowance including the following data

This form contains the following fields/data: Name and surname of the new staff member and date of official residency in Brussels. Moreover, this form needs to be accompanied by a copy of a lease or proof of ownership of a property, certificate of residence or copies of identity cards or all family members.

- Reimbursement of travel expenses

This form contains the following fields/data: Name and surname of the new staff member, grade, administrative status, name and date of birth of spouse and child/children, bank account number, name and address of the bank, the name of the account holder and the identification number of the bank.

- Household allowance for a married official or other servant without dependent children

This form contains the following fields/data: Name and surname of the staff member, name and surname of the spouse, information on the occupational status of the spouse as well as income and allowances received by the spouse.

- Request for partial recognition of registered non-marital partnership

This form contains the following fields/data: Name and surname, sex and private address of the staff member, name, surname, sex, birth date, private address and information on professional activities of the partner. This form is supported by a legal document proving the registered partnership.

- Allowance in respect of a person treated as a dependent child

This form contains the following fields/data: Name, surname of the staff member, information of occupational status and income of the spouse, name, surname, nationality, information about family circumstances, health, professional activity and annual income for the person for whom an application is made, name, surname, nationality and information about family circumstances, health, professional activity and annual income of the spouse of the person for whom an application is introduced.

Most of these documents are to be sent to the settlement office (PMO) for the decision on the individual rights and allowances of a staff member. This will result in an AIPN decision on the individual rights which is stored on the shared drive of the HR department and in the personnel file.

Databases/Files

- REA HR file

This Excel contains the following data/information: origin (previous employment: in case of an EU Institution, the DG otherwise "EXT" for non EU Institution), publication, unit, status, function group (in case of contract agents), name, gender, nationality, personnel number in the Commission (if applicable), REA personnel number, office of the entry into service, start date, end date, medical report. This table is also linked to the calculation of the grade, the AIPN decision and the contract of employment.

- RETO database

In this database, the following data is processed: Name, surname, sex, date of birth, start date and personnel number

- SYSPER2

The data relevant to the data subject can be imported from the RETO database into Sysper2. The imported data is verified and completed with the following additional information: Statute, status, function group, grade, step, start and end date, probationary

period necessary (yes/no), recruitment procedure reference, job number, 1st and 2nd language, private address, mobile telephone number, e-mail address and nationality.

<u>Education allowance</u>

The relevant information is inserted under Sysper2 and contains the following fields/data:

Name of the child, name of the school, start and end date of the academic period, type of course (day, night), boarding school (Y/N – if yes a certificate from the school must be attached), type of education (Primary, Secondary, University - for children older than 18 years a attendance certificate must be attached), hours per week, transportation (in case of public transport, it is necessary to attach a copy of the subscription).

Finally, the data subject has to mention whether he receives financial help from other sources.

- Business continuity database

This file (Excel) contains the following data: First name, last name, gender, statute, unit, private address, telephone number, mobile number and e-mail address.

c. Data collected/processed during the career of the data subject

Within one year of entering the service, a staff member has the right to rectify the place of origin via the form "Request for a rectification of the place of origin" that contains following data: name and surname of the staff member, country where family members live, country where the staff member owns residential property and exercises his/her civic rights.

A staff member also has the right to transfer its national pension rights to the pension scheme of the European Institutions. For this scope, a relevant form has to be used that contains the following data: Name, surname, date of birth, national social security number, private address, private telephone number and e-mail address, name and address of all previous employers, and all start and end dates of previous professional experiences.

- Form C4

This form contains the following data: Name and surname of the staff member, start and end date, the work regime under which the staff member was employed, information about contributions paid to a national social security system, reason for the end of the contract.

7   Information to be given to data subjects

A Specific Privacy Statement, relevant to the recruitment procedure for Contract Agents, will also be created by the respective data controller and will be distributed to the data subject as a separate document accompanying the job offer.

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

At any time, the recruited contract agents can access their personal data and request for rectification (where applicable) by sending an email to the REA HR.

In addition, within one year of entering the service, a staff member has the right to rectify the place of origin via the form "Request for a rectification of the place of origin".

Moreover, a staff member has the right to transfer its national pension rights to the pension scheme of the European Institutions. For this action, a respective form has to be used.

The above documents are sent to the settlement office via e-mail and the related need to be updated.

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9   Automated / Manual processing operation

The working procedures applied/followed within the framework of Contract Agents recruitment activity can be categorised as follows:

- **Before the entry into service of the data subject**

As a result of the selection procedure, a job offer, signed by the Authority entitled to conclude contracts of the Agency, is sent to the selected candidate who is requested to confirm his/her interest in accepting the position and to indicate his/her availability.

Once the candidate has confirmed his acceptance and the date of entry into service is established, the selected candidate is then invited to provide the required documents mentioned under section 6.a.

A final control/review of the candidate's eligibility is performed based on the documents provided by the candidate. The appropriate grade is also calculated.

Moreover, the settlement office (PMO) is informed about the arrival of the new staff member.

- **At the moment of entry into service of the data subject**

At the moment of entry into service, the data subject is requested to provide (where applicable) and/or fill-in (where applicable) various documents/forms as described under Section 6.b (in this document).

Most of these documents are to be sent to the settlement office (PMO) as supporting documents for the determination (decision) of individual rights and allowances for the concerned data subject. The resulting AIPN decision is stored on the shared drive of the HR department and in the personnel file.

Databases/files

REA HR file: This is an excel file located on the shared disk of the HR department. This file is also linked to the calculation of the grade, the AIPN decision and the contract of employment.

RETO database: in this database new staff members can be registered (if required) and a reservation needs to be made, also in case the staff member is already registered.

SYSPER2: The data subject's data can be imported from the RETO database into Sysper2. This system is used by the REA HR for the management of human resources.

Business continuity database: This file contains personal data required for ensuring business continuity. This information is also provided to the Head of Unit concerned, the Director and the Head of Department Administration, Finances and FP7 support.

- **During the career of the data subject**

Within one year of entering the service, the data subject (contract agent) has the right to rectify the place of origin using the "Request for a rectification of the place of origin" form. Moreover, the data subject has the right to transfer his/her national pension rights to the pension scheme of the European Institutions. This is done using the respective form. These documents are sent to the settlement office via e-mail and the respective databases/systems are updated accordingly.

<u>Contracts</u>

The contract is renewed: Once the renewal is signed, the personnel file under Sysper2 is updated (a new end-date is inserted) and a new badge is requested following the procedure mentioned in the respective aforementioned section.

The contract is not renewed: A letter signed by the authorizing officer is provided to the concerned contract agent. The letter is accompanied by the form C4 to be used by the data subject for applying for an unemployment benefit. The PMO is also informed.

<u>Resignation</u>

In case a contract agent decides to leave the Agency, he/she needs to send a resignation letter to the REA HR department. One the resignation is accepted by the authorising officer, the settlement office, the medical service, DG HR, REA GBI, REA LSA, the finance Unit and REA HR are informed about the departure. The REA database and Sysper2 are also updated. The contract agent is also requested to sign a confidential declaration and to return his/her badge.

10 Storage media of data

A main part of the recruitment procedure is handled/assisted electronically (Sysper2, RETO database, Word/Excel files, emails, etc.). Data is also handled through the use of paper files.

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. <u>Article 18</u> lays down the general conditions regarding the staff to be recruited by the executive agencies. In particular:
    b. <u>Article 18, paragraph 1</u>, 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. <u>Article 18, paragraph 3</u>, the Steering Committee, in agreement with the Commission, shall adopt the necessary implementing rules for personnel management within the executive agency, if necessary.
    d. <u>Article 11, paragraph 6,</u> 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**

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 the PMO and DG HR.

13 Retention policy of (categories of) personal data

- Recruited candidates:

For recruited candidates, all collected (paper, electronic) data will be kept for ten years as of the termination of employment or as of the last pension payment.

- Anonymous/Statistical reports

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

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).

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

- Blocking period: Immediately (maximum delay of 5 working days).

- Erasure Period: Maximum delay of 5 working days after the ruling on the request.

14 Historical, statistical or scientific purposes [5]

Reports (Nationality/gender/category) may be created 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 recruitment aim at verifying the eligibility of each candidate for the post in question. In addition, the processing of other data relevant to health, offences, etc., might also present specific risks and are subject to prior notification by the EDPS as foreseen in:

- Article 27.1 (General concept)

- Article 27.2

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

(b) Processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct;

(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract.

17 Comments

Not applicable

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[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

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

EDPS Opinion [6]	
Of date:	
Case Number:	
Follow up (in case of acting measures to be taken):	

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[6] To be filled out in the EDPS' office

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