

NOTIFICATION TO EDPS FOR PRIOR CHECKING ¹

Register Number: 0825

Date of submission:	18/01/2012
Case number:	2012-0060
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 Temporary Agents (TA)

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 Temporary Agents' vacancies according to the establishment plan, the REA HR organises the whole selection process. The selection process starts at the moment of the publication of the call for expressions of interest 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 applications sent by candidates;
- Verify if candidates fulfil the eligibility criteria;
- Pre-select candidates for written and oral test;
- Establish a reserve list of selected candidates to be recruited as Temporary Agents by the Agency.

5 Description of the category or categories of data subjects

Candidates or applicants for the posts of Temporary Agents offered by the Agency

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 either through EU CV ONLINE or by receiving a CV (Europass format) to a dedicated email account.

a. EU CV ONLINE

The EU CV ONLINE application form, as well as the Europass CV may contain the following fields/information:

- Personal details

Surname at birth* current surname* forename* street* postcode* place* country* date of birth* town/city of birth* country of birth* sex* nationality* other nationality, telephone n.1* telephone n.2, mobile telephone, fax number, email* personal website.

- Professional experience

Duration, economic sector, employer, country, job, field of activity/ies, size of organisation, management experience, description of duties and main achievements

- Education

Level of education, diploma obtained, duration, title of diploma, fields of activity/ies, name of institution, place, country

- Training

Duration of training, subject of training, years, name of institution, town/city, country

- Languages

Mother tongue, other languages (level of speaking/writing/reading/understanding), etc

- Skills and competencies

Social, organisational, technical, IT, artistic, other

- Publications

Title of publication, date of publication, name of publisher, publications web address

- References

Referee's name, referee's forename, referee's job, referee's e-mail address, referee's telephone number, referee's address

- Additional information

Do you suffer from a disability requiring individual measures to be taken to enable you to take part in the selection interview, other comments.

* The fields marked with an asterisk (*), are obligatory. If they are not filled in, registration can not take place

b. Other

- Candidate's letter of motivation
-
- Eligibility/selection sheet
-
- Financial identification and legal entity forms (for the reimbursement of travel)

7 Information to be given to data subjects

A data protection clause inserted into the call for expressions of interest states as follows:

The REA ensures that candidates' personal data are processed as required by Regulation (EC) No 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 Community institutions and bodies and on the free movement of such data (Official Journal of the European Communities, L 8 of 12 January 2001). This applies in particular to the confidentiality and security of such data.

A Specific Privacy Statement, relevant to the selection procedure for Temporary Agents, will also be created and accompany the publication of vacancy.

Furthermore, on EU CV ONLINE website candidates can access the respective specific privacy statement: http://ec.europa.eu/civil_service/job/cvonline/privacy_en.htm

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

At any time candidates can access their personal data and rectify them online on their EU CV Online account.

Candidates can withdraw their application at any moment during the period for submitting applications and after the closing date of the call for expressions of interest by sending their request to REA TA JOBS.

After the closing date of the call for expressions of interest information provided by candidates to allow the verification of the eligibility and selection criteria can no longer be modified in submitted applications.

Candidates wishing to modify their identification or contact details, at any time during the selection procedure, can send the new contact details by e-mail to REA TA JOBS.

The personal data provided by the candidates are only used within the framework of the selection procedure.

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

Data subjects may be given access to their evaluation results regarding all stages of the selection procedure (e.g. (pre) selection, interview, written tests, etc) 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.

If candidates wish to delete their account (EU CV Online) and all their data, they can log on their EU CV Online account and follow the respective procedure.

9 Automated / Manual processing operation

Working procedure within the framework of Temporary Agents' selection activity

Temporary Agents are recruited through open selection procedures. The main steps can be summarised as follows:

a. Publication of the call for expressions of interest

- EU CV ONLINE

The EU CV ONLINE database is the tool currently used by REA to manage the first steps of the selection procedure, from the publication of the call for expressions of interest to the reception of candidates' applications. The EU CV ONLINE tool is developed and owned by DIGIT.

The calls for expressions of interest are published on the Agency's website under the section Current vacancies: (<http://ec.europa.eu/research/rea/index.cfm?pg=jobs>). Technical information concerning the application procedure is described on the Agency's website under the section "How to apply" (<http://ec.europa.eu/research/rea/index.cfm?pg=howtoapply>).

A specific privacy statement concerning the EU CV ONLINE tool used to publish REA's calls for expressions of interest and receive applications can be found at the following link: http://ec.europa.eu/civil_service/job/cvonline/privacy_en.htm

- Applications sent directly to a REA specific email account

The calls for expressions of interest are published on the Agency's website under the section Current vacancies: (<http://ec.europa.eu/research/rea/index.cfm?pg=jobs>).

Technical information concerning the application procedure is described on the Agency's website under the section "How to apply" (<http://ec.europa.eu/research/rea/index.cfm?pg=howtoapply>).

b. Candidates' applications

- EU CV ONLINE

Front end

When clicking on the EU CV ONLINE link candidates are redirected to the tool's main page where they can create an account or log on to their existing account.

Back end

The EU CV ONLINE account is used by REA to manage and keep track of candidates' applications.

The application form accessible to the REA HR staff only is divided into eleven sections:

- Letter of motivation

- Personal details
- Information to be completed by open competitions/selection laureates
- Professional experience
- Education
- Training
- Languages
- Skills and competencies
- Publications
- Referees
- Additional information

After completing the above-mentioned sections, candidates can submit their application via a "Submit" button. After the submission of their application, candidates receive an acknowledgement of receipt by email, mentioning the application number and the e-mail address to which they can send their further requests of information.

- Applications sent directly to a REA specific email account

Candidates may send their applications to the designated email account.

When sending their applications candidates must include the following documents:

- Letter of motivation
- Europass CV
- Eligibility/selection sheet

c. Evaluation according to qualifications and experience and eligibility check

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 all the members of the Selection Committee must sign a declaration of absence of conflict of interest and of confidentiality, as well as a declaration of compliance with the legal provisions on personal data protection.

If the panel identifies the need to be supported by extra persons for assessing the quality of the CVs and motivation letters, hereafter called "assessors", all recipients of personal data within the framework of the selection procedure of Temporary Agents must sign the declaration of absence of conflict of interest and of confidentiality as well as the declaration of compliance with the legal provisions on personal data protection.

The call for expressions of interest specifies the number of candidates (top "x") to be admitted to the next step. The HR will prepare one evaluation sheet (on paper) per candidate with criteria and points as mentioned in the call for expressions of interest, and will resume in an excel sheet invited/non-invited candidates.

Once the Selection Committee has identified the candidates to invite to the written and oral tests (the top "x" candidates), the selected applications will be examined against the eligibility criteria on the basis of the CV. The HR will prepare one eligibility sheet per candidate selected for the next step, with criteria as mentioned in the call for expressions of interest:

If one or several applications are ineligible, the panel adds previously non-selected applications with the highest score to the "top x" list in order to reach at least the minimum number of candidates specified in the call for expressions of interest. Where a number of candidates tie for the last available place, they will all be taken into consideration by the Selection Committee.

The HR will invite selected candidates to the written tests and to the interview by e-mail. As specified in the call for expressions of interest non-invited candidates will be informed by e-mail about the outcome of their application. They have the right to request a review, within 10 calendar days from the date of the e-mail notifying them the decision, by sending a letter (by email or virtual fax) stating their reasons. After the re-examination of the application, the panel may decide to invite the candidate/s to the next stage of the selection or to confirm its first decision.

d. Organisation of written tests and interviews

Candidates invited to the written and oral tests will be required to present, on the day of the interview, original or certified copies of the following documents detailing citizenship, studies and professional experience:

- A copy of a document proving the candidate's citizenship (e.g. passport, identity card or any other official document specifying citizenship, which must have been obtained not later than the closing date for online registration);
- A document proving that the candidate has fulfilled obligations concerning compulsory military service or civilian service, if applicable;
- the diploma(s) attesting a successful completion of the required level of education;
- 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).
- Financial identification and legal entity forms (to process the reimbursement of travel expenses, whereas the candidates have to travel to Brussels for the tests)

The above mentioned documents are accessible only to the Agency's HR staff for selection and recruiting purposes.

The REA HR will invite candidates to specify any disabilities in advance on the invitation letter (to adjust the selection procedure to the special needs of applicants), as well as the language in which they want to undergo the written tests, to be chosen among EN, FR and DE. The language to be chosen must be different from the candidate's mother tongue.

The written tests will be prepared, examined and marked by the panel only. The content of the written tests will be kept confidential.

To ensure confidentiality, written tests will be put in a separate envelope for each candidate that will be sealed, dated and signed by the candidate.

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

The evaluation forms (pre-selection, written tests and interview) completed by the evaluators 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.

e. Final reserve list of candidates

At the end of the selection procedure the Selection Committee completes the final report indicating the draft reserve list of candidates. The REA HR will prepare the report, which must be signed by each panel member.

The draft reserve list in alphabetical order will be submitted to the Authority entitled to conclude contracts of the Agency for approval.

Listing on the reserve list remains subject to the confirmation of the eligibility of the candidate following the verification of original documents as specified in the call for expressions of interest.

The reserve list is managed by the REA HR (electronic and paper version).

Successful candidates are informed by e-mail that their name is on the reserve list, and candidates who have not been placed on the reserve list will receive an e-mail, informing them about the outcome of their application.

Prior to recruitment, the candidates on the reserve list may be invited for a 2nd interview with the respective Head of Unit. After the 2nd interview an evaluation form of each candidate has to be established and signed by the panel members. The CVs of the candidates on the reserve list are kept in the application file and are accessible by the Heads of Unit.

10 Storage media of data

A main part of the selection procedure is handled/assisted electronically through EU CV Online. The part of the process not managed via the database of the EU CV Online is stored on 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. 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**
Chapter 3 concerning the conditions of engagement of Temporary Agents (Articles 12-15).
- **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 Temporary 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.

13 Retention policy of (categories of) personal data

- Non-recruited candidates in the reserve list:

Data is kept for the validity period (including any extension) of the reserve list, with a minimum of two (2) years. Two (2) years after the validity period of the reserve list has expired, all the relevant data is destroyed.

- Candidates invited to the written and oral tests but not included in the reserve list:

Data is kept for at least two (2) years following the creation of the reserve list in the light of possible complaints to the European Ombudsman.

- Candidates not invited to written and oral tests:

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.

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.

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

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

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

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):	

⁶ To be filled out in the EDPS' office