

NOTIFICATION TO EDPS FOR PRIOR CHECKING ¹

Register Number: 0826

Date of submission:	18/01/2012
Case number:	2012-0061
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 Seconded Officials

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 and the Agency's implementing rules.

In order to fill the seconded official's post in the interest of the service according to the establishment plan, the REA HR organises the whole selection process. The selection process starts at the moment of the request of the publication of the post and ends once the appointment letter has been sent to the selected candidate (s).

The processing operation is necessary for the selection procedure of the best qualified official to be seconded in the interest of the service within the Agency according to the vacancy notice.

5 Description of the category or categories of data subjects

EU officials who may apply for a post of a seconded official within 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)

Candidates send an email with their CV and motivation letter attached, which may include the following 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 No.1, telephone No. 2, mobile telephone, fax number, email, personal website.

- Professional experience

Duration, economic sector, employer, country, job, field (s) of activity, size of organisation, management experience, description of duties and main achievements

- Education

Level of education, diploma obtained, duration, title of diploma, field (s) of activity, 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.

- Candidate's letter of motivation

a. Other

Financial identification and legal entity forms (for the reimbursement of travel)

7 Information to be given to data subjects

A data protection clause will be inserted into the vacancy notice, published under Sysper II, 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 seconded officials will also be created and be distributed to the applicants that have submitted their CVs to the REA.

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 simple request via e-mail to the functional mail box REA-2ND@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, 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.

Identification data can be rectified at any time during the selection procedure. After the closing date of submitting applications, data related to the admissibility criteria can not be rectified.

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-2ND@ec.europa.eu.

9 Automated / Manual processing operation

- Sysper II

The Sysper II application is used for publishing the relevant post to be filed-in by a seconded official. This application is developed and owned by DIGIT.

- Advanced Records System (ARES)

ARES, is a document management system linked to "HERMES". It is a new common IT application that replaces ADONIS databases throughout the Commission including executive agencies.

Working procedure within the framework of the activity regarding the selection of a seconded official

Seconded officials are selected through a specific procedure the main steps of which are summarised as follows:

a. Request for publication of the post

The posts, inside the REA, designated for officials to be seconded have been allocated in the parent DGs (RTD, ENTR & EAC) as agreed in the Agency's establishment plan and following the domain of activities:

- Marie Curie Actions: DG EAC
- Administration, Finance and FP7 Support and research for SMEs : DG RTD
- Security Research and Space Research: DG ENTR

The request for publication of the post is therefore addressed by the REA to the mother DG owning the respective post.

In that respect, a note is sent (via ARES) by the Agency's Director to the Head of Unit "Human Resources" of the parent DG requesting the publication of the post under SYSPERII.

b. Publication of the post

Once the post is published, applicants are requested to send their application to the REA-2ND@ec.europa.eu functional mailbox.

If the post in question belongs to DG EAC, applicants are requested to send their application directly to the HR department of DG EAC. In that case, DG EAC will perform the eligibility control of the applications and will then send the eligible applications to the REA-2ND@ec.europa.eu functional mailbox.

c. Candidate's application

Candidates send an email with their CV and motivation letter attached, which may include the following information:

- Personal details
- Professional experience
- Education
- Training
- Languages
- Skills and competencies
- Publications
- References
- Additional information
- Letter of motivation

An acknowledgment of receipt is sent to each applicant via the designated functional mailbox.

d. Eligibility control of applications

After the closing date of submitting applications, the REA HR agent in charge of the selection process will start the eligibility control of the applications received. The eligibility control is made in accordance with the eligibility criteria mentioned in the vacancy notice. SYSPERII is also used in order to verify the status of the applicant. Since the Agency does not have

access to data residing under Sysper II relevant to European Commission officials, the HR unit of the parent DG is requested to perform the respective verification.

- Applicants not eligible for the post

In case that a candidate is not eligible for the post, he/she receives a letter (by post and by email), signed by the Head of Unit "Administration" (REA.A3) explaining the reason(s) for not being eligible. In case the post to be seconded belongs to DG EAC, the transmission of the letter is performed by DG EAC. For the administrative preparation of the relevant file/signature ARES is used. The actual letter is not annexed under ARES

e. Appointment of the Selection Committee

The selection Committee is appointed by the Director of the Agency in accordance with the REA implementing rules on the use and engagement of Temporary Staff, Article 3(b). The composition of the selection committee is the following:

- One member/representative of the Agency (usually the chairperson)
- One member/representative of the parent DG that owns the respective post
- One member/representative of DG HR

For the administrative preparation of the relevant file/signature ARES is used. The actual appointment letters are not annexed under ARES.

f. Selection of candidates

The Selection Committee may perform a selection of potential candidates to be invited to an interview. Candidates not selected for an interview will receive a letter signed by the Chairperson of the Selection Committee. For the administrative preparation of the relevant file/signature ARES is used. The actual letter is not annexed under ARES.

g. Organisation of interviews

The REA HR will invite candidates to an interview with the Selection Committee by sending an invitation letter (email) signed by the Head of Unit "Administration" (REA.A3). For the administrative preparation of the relevant file/signature ARES is used. The actual invitation letter is not annexed under ARES.

For the administrative preparation of the relevant file/signature ARES is used. The actual appointment letters are not annexed under ARES.

The candidate is requested to confirm his/her presence by sending a relevant confirmation e-mail to the REA HR agent in charge of the selection process.

During each interview, the REA HR agent is providing secretarial support to the Selection Committee.

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

The evaluation form/grid is not disclosed to the candidate. In fact, these documents, which facilitate comparative assessments of the candidates, belong to the deliberation process of the Selection Committee; the secrecy inherent in the Selection Committee proceedings precludes the disclosure.

h. Short-list of candidates

The Selection Committee provides to the REA HR agent the evaluation grid and attributed points for each candidate as well as the list of candidates to be shortlisted (or not).

The HR agent is creating the minutes of the whole interview process and he/she annexes the documents provided by the selection committee. The minutes and its annexes are signed by each member of the Selection Committee and then sent to the Director of the Agency for final approval.

Upon agreement of the Director of the minutes/results of the interview process, the candidates will then receive a letter informing them whether they have been short-listed or not.

For the administrative preparation of the relevant file/signature ARES is used. The actual letters are not annexed under ARES.

i. Second interviews

Candidates that are placed on the short-list will be invited to a second interview with the Director of the Agency. At the end of the interview the director will provide to the Head of Unit "Administration" of the Agency the evaluation grid (signed) for each candidate as well as his final decision on the candidate that will be selected for the post. The Director of the Agency must also receive the agreement of the parent DG.

j. Appointment of the selected candidate

The selected candidate will receive an appointment letter signed by the director of the REA.

The candidates that have not been selected after the second interview will receive a letter, signed by the director of the REA, informing them that they have not been selected for the post.

For the administrative preparation of the relevant file/signature ARES is used. The actual letters are not annexed under ARES.

10 Storage media of data

A main part of the data relevant to the selection procedure is handled/assisted electronically (emails). Data is also stored either electronically or on paper files.

Sysper II is used for the publication of the vacancy notice and ARES is used for document management.

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.
 - **Staff Regulations of Officials**, Article 37 and 38.
 - **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.
 - **European Commission guidelines** on the setting-up and functioning of executive agencies financed by the general budget of the European Communities, point 9.3.2 (a,b,c).

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
 - 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: Part of the data may be processed by the mother DGs (DG RTD, DG EAC and DG ENTR) of the REA.

13 Retention policy of (categories of) personal data

- Recruited candidates

Data will be kept for a period of ten years after the termination of employment or as of the last pension payment.

- Non-recruited candidates (after the second interview):

Data will be kept for two years in the light of possible complaints to the European Ombudsman.

- Candidates invited to the first interview but not included in the short list (for a second interview):

Data will be kept for two years in the light of possible complaints to the European Ombudsman.

- Candidates not invited for an interview:

Data is kept for two 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.

- Statistical Reports

Statistical reports (anonymous) 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.

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

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)

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