

NOTIFICATION TO EDPS FOR PRIOR CHECKING ¹

Register Number: 0827

Date of submission:	18/01/2012
Case number:	2012-0063
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

Internal Recruitment

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 some Temporary and Contractual Agents' vacancies according to the establishment plan, the REA HR organises an internal recruitment selection process. The internal recruitment selection process commences with the publication of the call for expressions of interest and terminates once an act of transfer (for a successful candidate) and a communication informing the applicant that he/she has not been selected for the post have been sent.

The processing operation is necessary for the internal recruitment of REA staff.

In particular it is necessary in order to:

- Manage the applications sent by candidates;
- Verify if candidates fulfil the eligibility criteria;
- Establish a list of selected applicants who will be recruited internally within the Agency.

5 Description of the category or categories of data subjects

Members of the REA staff.

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)

a. In the frame of the Contract Agents mobility exercise

The main part of the selection procedure is managed through Sysper II.

• Candidates' Application

As soon as an internal vacancy is announced, candidates (REA staff) can send their applications (CVs and motivation letters) to the designated functional mailbox (REA-HR).

Personal data encoded in the CV:

i. 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.

ii. Professional experience

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

iii. Education

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

iv. Training

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

v. Languages

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

vi. Skills and competencies

Social, organisational, technical, IT, artistic, other

vii. Publications

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

viii. References

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

• Other

ix. Candidate's letter of motivation

Data are inserted, by the REA HR agent in charge of the internal mobility exercise, in Sysper II (under the "Vacancy Supervisor" module). The following data is encoded: Last Name, First name, Gender, Nationality, Date of reception of the application, Eligible candidate (Y/N)

- **Interview**

In case a candidate is selected for an interview, the respective HR agent encodes the following data under Sysper II: Shortlist Y/N, date of the interview).

- **Final results**

The conclusions of the interviews are inserted in Sysper II under the "Vacancy Supervisor" module) and the candidates are informed of the results.

The selected candidates receive a transfer act signed by the competent Authority.

b. In the frame of the Temporary Agents mobility exercise ("Chambre d'écoute")

- **Candidates' Application**

As soon as a "Chambre d'écoute" is announced, interested Temporary Agents may contact the REA HR agent in charge of internal recruitment to schedule an appointment during the announced period.

- **Interview**

The Temporary Agents invited for an interview provide their CVs to the REA HR prior to the interview.

Personal data encoded in the CV:

x. 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.

xi. Professional experience

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

xii. Education

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

xiii. Training

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

xiv. Languages

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

xv. Skills and competencies

Social, organisational, technical, IT, artistic, other

xvi. Publications

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

xvii. References

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

During the interview the REA HR take notes using a standardized document.

- **Final results**

At the end of the interviews, an anonymous report is sent, in a form that does not permit identification, to the Director of the REA.

If a possibility of mobility has been identified during the interviews (possible exchange of posts between two members of the REA staff), the REA HR will contact the staff concerned for requesting their approval to submit their names to the Director.

7 Information to be given to data subjects

A Specific Privacy Statement for each process (contractual agents and temporary agents) will be created and accompany the publication of vacancy.

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

At any time candidates can request access to their personal data used within the framework of the internal recruitment selection process by sending their request to the designated functional mailbox (REA-HR@ec.europa.eu).

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 the designated functional mailbox (REA-HR@ec.europa.eu).

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 procedure, can send the new details by e-mail to the designated functional mailbox (REA-HR@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.

9 Automated / Manual processing operation

a. In the frame of the Contract Agents mobility exercise

i. Publication of the vacancies

REA Management determines the posts that will be opened to the internal mobility exercise.

The vacancies are created in Sysper II (under the "Vacancy Supervisor" module). Each vacancy is structured as follow:

- The "We are" field giving a brief explanation of the Unit in which the post is published.
- The "We propose" field giving a description of the job available.
- The "We look for" field giving an explanation of the requirements asked for the job.
- The "Recruitment policy" field:" This post is published internally following specific conditions and under the provision of the internal mobility rules published on the REA intranet. As a rule, internal mobility can only be agreed for staff having the same function group and having served at least two years in their current job including probation period, at the date of the closure of the vacancy. Candidates may apply for a different profile than the profile for which they were initially recruited. REA applies a policy of equal opportunities and takes great care to avoid any form of discrimination in its recruitment procedures. It is mandatory for applications to be sent by e-mail to the "address for applications and CV sending". We encourage applicants to submit their application in the European CV format, with a motivation letter."

A contact person is mentioned in the vacancy notice.

ii. Candidates' applications

The members of the REA staff will be informed via email about the available vacancies (published in Sysper II). They will also receive an accompanying explanation on how to apply.

Candidates may send their applications (CVs and motivation letters) to the designated functional mailbox (rea-hr@ec.europa.eu).

Data (mentioned under section 5) are inserted, by the HR agent in charge of the internal mobility exercise, in Sysper II (under the "Vacancy Supervisor" module). The "Vacancy Supervisor" module is only accessible by the Head of Unit (REA.A.3), the Head of Sector of HR and the HR agent in charge on the internal mobility exercise.

iii. Eligibility check

As eligible are considered the candidates who at the date of the closure of the vacancy have served for at least two years (including probation period) in their current job (in the same function group).

Non-eligible candidates (based on the recruitment policy) will be informed by the REA HR.

iv. Organisation of the interviews

Copies of the applications (CVs and motivation letters) are provided to the Heads of Unit concerned who in turn may organise and interview with the selected candidate.

The date of the interview, together with the designation of "shortlisted", will be inserted by the REA HR in Sysper II (under the "Vacancy Supervisor" module).

Candidates that will not be invited to an interview will be informed by the REA HR.

v. Final results

The conclusions of the interviews are inserted in Sysper II under the "Vacancy Supervisor" module) and the candidates are informed of the results.

The selected candidates receive a transfer act signed by the competent Authority.

b. In the frame of the Temporary Agents mobility exercise ("Chambre d'écoute")

vi. Announcement of the "Chambre d'écoute" exercise

As soon as a "Chambre d'écoute" exercise is launched, all Temporary Agents will be informed by email.

vii. Organisation of the interviews

Temporary Agents that are interested to participate in this exercise may contact the HR agent in charge of internal recruitment in order to schedule an appointment.

The Temporary Agents that will be invited for an interview will have to provide their updated CVs to the REA HR.

During the interview, the HR will take notes using a standardised document.

viii. Final results and retention of personal data

If a possibility of mobility has been identified during the interviews (possible exchange of posts between two members of the REA staff), the REA HR will contact the staff concerned for requesting their approval to submit their names to the Director.

Upon agreement of the concerned Temporary Agent (s), the Director is informed and may decide, in its capacity of AHCC, to allow mobility of the concerned member (s) of the REA staff on the basis of the Article 10 of the GEOS (Article 7 of the Staff Regulation - mobility in the interest of the service applied by analogy).

At the end of the interviews a report is sent, in a form that does not permit identification, to the Director of the REA.

- **Other**

An internal document "Developing an internal staff mobility policy for the REA initial measures to offer internal mobility opportunities to REA staff" has been published on REA's intranet.

10 Storage media of data

- **Contractual Agents**

A large part of the procedure is handled/assisted electronically either through Sysper II or through emails.

The REA HR is using an Excel file to store information (mainly coming from Sysper 2) about the candidate.

Paper files are also used during the procedure.

- **Temporary Agents**

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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.

Article 18 lays down the general conditions regarding the staff to be recruited by the executive agencies. In particular:

- a. 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.
 - b. 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.
 - c. 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**
 - d. Article 7(1) of the Staff Regulations.
 - e. Article 10 of the Condition of Employment of the Other Servants of the European Communities.
 - f. Article 80(2) of the Conditions of Employment of Other Servants of the European Communities laying down the types of duties and the corresponding function groups of Contract staff.

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

- **REA**
 - a. REA HR sector
 - b. Director, Head of department "Administration, Finance and FP7 Support", Heads of Units
 - c. 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 Ombudsman
- c. Civil Service Tribunal
- d. Court of First Instance
- e. General Court of the European Union
- f. European Court of Justice
- g. Court of Auditors
- h. European Data Protection Supervisor

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

- **Contractual Agents**

- i. Non-eligible candidates

Data inserted in Sysper II and applications (CVs and motivation letters) will be kept for ten years (as of the termination of employment).

- ii. Candidates not invited to an interview

Data inserted in Sysper II and applications (CVs and motivation letters) will be kept for ten years (as of the termination of employment).

- iii. Candidates invited to an interview but not selected

Data inserted in Sysper II and applications (CVs and motivation letters) will be kept for ten years (as of the termination of employment).

- iv. Candidates invited to an interview and selected

Data inserted in Sysper II and applications (CVs and motivation letters) will be kept for ten years (as of the termination of employment).

- **Temporary Agents**

The received CVs and notes taken during the interviews will be destroyed after the procedure is terminated.

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

At the end of the interviews a report is sent, in a form that does not permit identification, to the Director of the REA.

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