NOTIFICATION TO EDPS FOR PRIOR CHECKING [1]

Register Number: 0828

Date of submission:	18/01/2012
Case number:	2012-0065
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 and administration of interim staff

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 ensure the continuity of operations, replacing staff on long-term absences, or support staff in a period of excessive workload, the Agency employs interim agents on short term contracts through a temp agency.

The processing operation is necessary for the selection and administration of interim staff, in order to offer short term contracts to the best qualified and most suitable candidates.
It is used to recruit temporary staff on a very short notice in order to:

- Replace permanent staff in the case of maternity leave, long term sickness, etc.
- Take in additional workforce for a fixed period of time

5   Description of the category or categories of data subjects

Candidates who are pre-selected/proposed by the temp agency**.**

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[3] Please attach all necessary backup documents

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

- **Selection**

Principally, the personal data of the candidates are processed by the temp agency (Startpeople NV/SA) the services of which are used by the REA under the framework contract ADMIN/D1/PR/2007/001/1 (including Addendums).

The temping agency sends a list of suitable candidates and CVs twice a month to the HR sector of the REA. CVs are sent by e-mail (either .doc or .pdf format) and include the following data (at the candidate's discretion):

- Personal details (name, date of birth, gender, nationality)
- Contact details (address, postcode, city, country, telephone and fax number, email address)
- Work experience and previous workplace details
- Education and training
- Personal skills and competences
- Languages
- Driving skills
- Additional information
- References

The lists indicate also the level (function group) the candidates can be employed at (I, II, III), according to a classification made by the temping agency following specific tests.

- **Employment**

The selected candidates sign a contract with the temping agency. They fill in a weekly timesheet that they send directly by internal mail to the temping agency (copies are kept by HR to compare the recorded working hours with the hours invoiced by the temping agency).

Interim agents are encoded in Sysper2 with the following personal data:

- Name / Surname
- Gender
- Date of birth
- Place of birth
- Nationality
- Address
- Telephone number

For each interim agent that has been employed by the REA, an employment record spread sheet (name / surname, dates of service) is created.

7 Information to be given to data subjects

A Specific Privacy Statement, relevant to the selection procedure for interim staff will be created and will be given to successful candidates by the time they officially assume their duties at the REA.

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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 personal data the Agency keeps by sending an e-mail to the functional mailbox REA-INTERIM-AGENTS@ec.europa.eu.

9   Automated / Manual processing operation

- **Evaluation**

No evaluation of the proposed candidate is done.

- **Selection**

The temping agency sends a list of suitable candidates and CVs twice a month to the HR sector of the REA. CVs are sent by e-mail (either .doc or .pdf format) and include various personal data (mentioned under section 5)

The lists indicate also the level (function group) the candidates can be employed at (I, II, III), according to a classification made by the temping agency following specific tests.

The lists and CVs are filed in an electronic folder (HR restricted) which is updated on a regular basis. .When a recruitment need arises, the REA HR send to the concerned Head of Unit a list of potential candidates with the names, nationality, function group, language knowledge and short remarks on work experience. The Head of Unit requests the CVs of candidates they may be interested in, and they may contact them for an interview. Once the interim agent has been selected, the Unit sends a recruitment request to HR.

Following the request from the Head of Unit, the REA HR prepares a paper file, containing the recruitment request forms and the CV of the interim agent selected. The file is submitted directly to the HR Head of Unit for approval (a delegation to draw up legal commitments for requests for interim staff has been granted by the Agency Director to the HR Head of Unit).

Once approved, the employment request is sent by e-mail to the temping agency. The paper file is kept by HR. The documents will be used for verifying and preparing the payment of the invoices sent by the temping agency, together with the interim agent's weekly timesheet.

- **Employment**

The selected candidates sign a contract with the temping agency. They fill in a weekly timesheet that they send directly by internal mail to the temping agency (copies are kept by HR to compare the recorded working hours with the hours invoiced by the temping agency). Interim agents are encoded in Sysper2 with the respective data (mentioned under section 5).

The HR sector keeps a spreadsheet with an annual overview of recruited interim staff containing the following information: name of the interim, contract start / end date, Unit(s) where the person has worked. The main objective of the overview is administrative and budgetary follow up.

10 Storage media of data

A main part of the data relevant to the procedure is communicated and/or handled/stored electronically (email).

Another part of the data is stored either on paper files or in an electronic format (stored in the REA file server).

11 Legal basis and lawfulness of the processing operation

- Council Regulation (EC) No 58/2003 laying down the statute for executive agencies: Article 11, paragraph 6, and Article 18.
- 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.
- Framework contract ADMIN/D1/PR/2007/001/1 between the European Commission and the temping agency (Startpeople NV/SA), which governs/regulates the provision of services of interim staff.
- Addendum No 5 of the Framework contract ADMIN/D1/PR/2007/001/1 under which the REA can recruit interim 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, Heads of Sectors, Team Leaders of the REA
  c. REA Internal Services (legal service, internal audit)

- **Other potential recipients**

The
  a. European Commission
  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
  i. OLAF

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

- **Third parties**

The personal data are also processed by an entity (temp agency) external to REA.

13 Retention policy of (categories of) personal data

- Non-recruited candidates:

The lists and CVs of non-recruited candidates are deleted after two months from reception.

The respected CV (s) that have been communicated by the REA HR to the respective entity (e.g. Head of Unit) are deleted and no copy is kept.

- Recruited candidates:

The CVs of selected candidates will be stored for five years.

Employment records will be kept for ten years after the last day of employment of the candidate.

The HR sector keeps a copy of the weekly timesheets. The originals are sent by internal mail to the temping agency.

Copies of the time sheets are kept as supporting documents for the verification and payment of the invoices. According to the financial regulations, the retention period of the financial dossiers is 5 years after the budget discharge.

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]

Not applicable.

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:

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[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

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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):	

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