

REGISTER NUMBER: 849

NOTIFICATION FOR PRIOR CHECKING

Date of submission: **26/03/2012**

Case number: **2012-0290**

Institution: **EMCDDA**

Legal basis: article 27-5 of the regulation CE 45/2001⁽¹⁾

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and address of the controller

Dante Storti

Head Administration Unit

EMCDDA Directorate

Administration (ADM)

Cais do Sodré

1249-289 Lisbon

Portugal

2/ Organisational parts of the institution or body entrusted with the processing of personal data

Administration Unit

EMCDDA Directorate

3/ Name of the processing

E-recruitment

4/ Purpose or purposes of the processing

0849-2012-0290

Recruitment of staff securing for the institution the services of officials or other agents of the highest standard of ability, efficiency and integrity, recruited in the broadest possible geographical basis.

The purpose of the processing is exclusively within the recruitment of staff at the EMCDDA and it is used possibly for the drawing up of a reserve list with the aim to recruit personnel (i.e. officials, temporary agents, contractual agents) with the highest standard of ability, efficiency and integrity. As indicated in the vacancy notice, the drawn reserve list for recruitment purpose is subject to be used for appointment in similar positions.

Human Resources Management Sector starts the procedure by drafting a vacancy notice which is consulted with the Head of the unit concerned and the members of the selection committee appointed by the AIPN. The appointing authority appoints the members of the selection committee. Draft is submitted for approval by the Director in his capacity as appointing authority. The vacancy notice is advertised.

Applications are filled in on-line by applicants and data collected during the EMCDDA's recruitment procedures through the online recruitment tool is stored in an electronic database, on designated EMCDDA equipment. The EMCDDA employs state-of-the-art techniques to protect electronic data against intrusion, tampering and any unauthorised access. Pre-evaluation is made against the admissibility requirements as stated in the vacancy notice, through the use of the electronic tool, by HRMS staff to be then confirmed by the members of the selection committee. Files are accessed electronically by the members of the selection committee for assessment through the use of a restricted access habilitated by the HR staff. The evaluations and assessment of applications on file is stored in the E-recruitment application. The outcome is a list of applicants in order of merit. The best ones are invited for interview and tests. The outcome of the second phase of the recruitment procedure is the proposal of a reserve list of suitable applicants for recruitment purposes to be submitted to the Director for approval. The Director draws the reserve list and applicants invited for interview (only) are informed in a personalised way of the outcome. The rest of the applicants shall consult the EMCDDA Web page to follow up the progress and outcome of the procedure. In case of availability of a position in the EMCDDA establishment plan and budget, a position is offered to the applicant selected by the Director.

Indeed, the data processing in this case involves an evaluation and, therefore, subject to prior checking upon Article 27.

5/ Description of the category or categories of data subjects

EU citizens and EMCDDA member countries citizens applying to an advertised vacancy notice by the EMCDDA.

Applicants to an open vacancy notice published by the EMCDDA and EU staff employed by the agency taking part in the recruitment process (HRMS staff, members of the selection committee, the Director for decision and appointment).

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

The categories of personal data dealt with during any recruitment procedure at the EMCDDA are the following:

- Identification details: personal data allowing the identification of the applicant i.e. family name, name, date of birth, gender, nationality and e-mail address.
- Information provided by the applicant to allow for the practical organisation of pre-selection and other tests/interviews, i.e. private address, telephone, fax and any disability.
- Selection criteria information: data relevant to demonstrate, in the framework of the selection procedure, that the applicant fulfils the profile advertised in the vacancy notice, e.g. citizenship, knowledge of languages, degree (year awarded), title, name of the awarding body, professional experience (CV and application form).
- Information provided by the applicant to support claims for the reimbursement of travel expenses for interview or medical visits (if offered a contract of employment), i.e. passport details and bank account details, and documents to support other claims to which the applicant might be entitled to during the selection or recruitment process.
- Results of the pre-selection, written and oral tests to guarantee the transparency of the procedure. Furthermore, the applicant may indicate any individual situation regarding eligibility criteria and any other information they would like to provide to support their application.
- At the stage of the recruitment: commitments from the applicant to adhere to any security checks and other related details; original documents provided by the candidate to support the information given during the selection procedure.

It is compulsory for applicants to answer all questions contained in the online recruitment tool, otherwise, they will not be able to complete the application for a given vacancy and, therefore, it will not be considered.

7/ Information to be given to data subjects

A specific privacy statement is posted in the Web page devoted to the EMCDDA recruitment and information is made available in every step of the procedure through the different screens of the e-recruitment tool.

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

See answer to point number 7

9/ Automated / Manual processing operation

Where EMCDDA internal processes require printing of electronic data from recruitment applications, print-outs are safely stored in the Human Resources Management Sector's offices in locked cabinets.

10/ Storage media of data

N.a.

11/ Legal basis and lawfulness of the processing operation

The processing of data is necessary for the performance of tasks carried out in the public interest on the basis of the Treaty on the functioning of the European Union (recruitment of personnel) and the legal basis for the processing are:

- The Staff regulations of officials of the European Union and the Conditions of employment of other servants of the European Union as laid down by Council Regulation (EEC, EURATOM, ECSC) No. 259/68.
- The Council Regulation (EEC) 1920/2006 of 12 December 2006, on the European Monitoring Centre for Drugs and Drug Addiction (recast).
- The Guidelines on recruitment at the EMCDDA as approved by the Director on 19 March 2008.
- The EMCDDA Equal opportunities policy as approved by the Director on 14 September 2007.

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

The recipients of the data are: the appointing authority, the Human Resources Management Sector staff dealing with recruitment, the members of the selection board appointed by the Director, the members of the EMCDDA finance management sector and the accountant (for reimbursement purposes) and any of the supervisory instances of the EMCDDA (i.e. European Court of Auditors, Internal Audit Service, and in case of controversy, the Civil Service Tribunal, the staff of the Ombudsman, the staff of the EMCDDA legal service, etc.). In cases where placed upon the reserve list of successful candidates, also the EMCDDA Heads of unit in order to be able to offer a post.

All recipients of the data are reminded of their obligation not to use the data received for any further/other purpose than the one for which they were transmitted

13/ retention policy of (categories of) personal data

Electronic and, if applicable, printed data will be stored in the EMCDDA's files as follows:

Data regarding recruited applicants will be kept for ten years as of termination of employment or as of the last pension payment.

Data of non-recruited applicants but successfully placed in the reserve list for appointment will be kept for the validity of the reserve list or for seven years after the budgetary discharge, whichever is longer.

Data concerning non-recruited applicants will be kept for two years from the date the data subject became aware of the result of the recruitment procedure (i.e. from the date of publication in the EMCDDA Web page that the procedure was closed, or the date in which the applicant has received the information letter).

13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) (Please, specify the time limits for every category, if applicable)

Regulation (EC) 45/2001 safeguards your right to access your data at any time and to rectify any inaccurate or incomplete personal data, before the deadline for submission of applications elapses, by accessing the EMCDDA's online recruitment tool. After the deadline for applications has elapsed, this right will be limited to the rectification of identification details and contact information only. Therefore, after the closing date for submission of applications rectification of data related to the eligibility and selection criteria is not possible. You also have the right to require the Controller to erase data if the processing is unlawful. Furthermore, you are free to address the European Data Protection Supervisor at any time.

14/ Historical, statistical or scientific purposes

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,

After the above-mentioned periods in 22(a) above, only data needed to provide overall statistics on the exercise (number of eligible and non-eligible applications, total number of applications, etc.) will be kept for statistical reasons. These statistics are not subject to Regulation 45/200 since they are anonymous and cannot be used to identify one or more persons either directly or indirectly.

15/ Proposed transfers of data to third countries or international organisations

N.a.

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):

The processing is lawful and necessary under Article 5.(a) (b) (c) and (d) of Regulation (EC) 45/2001.

The present notification is subject to prior-checking by the European Data protection Supervisor under Article 27 of Regulation (EC) 45/2001.

Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

Recruitment of staff securing for the institution the services of officials or other agents of the highest standard of ability, efficiency and integrity, recruited in the broadest possible geographical basis.

Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

N.a.

Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

Recruitment of staff securing for the institution the services of officials or other agents of the highest standard of ability, efficiency and integrity, recruited in the broadest possible geographical basis.

Other (general concept in Article 27.1)

17/ Comments