

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 24/07/2012

CASE NUMBER: 2012-0635

INSTITUTION: ERA

LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

European Railway Agency, 120 rue Marc Lefrancq, 59300 Valenciennes, France

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

Thierry Breyne, Head of Safety Unit, e-mail address: Thierry.BREYNE@era.europa.eu , tel: +33 (0) 32 70 96 574

3/ NAME OF THE PROCESSING

Selection of Human Factors experts pursuant to the European Railway Agency 'Call for applications for inclusion on a list of Human Factors experts to assist the National Investigation Body in some Member States in the investigation of railway accidents'.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The main purpose of personal data collection and processing is to select Human Factors experts to assist the National Investigation Body in the investigation of railway accidents.

Further on, personal data of successful applicants are processed for setting up the list of Human Factors experts and made available to the relevant contact persons within the Network of the National Investigation Bodies. The contractual relationship will be between the National

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

Investigation Body and the expert. For this matter the national transposition measures of Directive 95/46/EC shall apply.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Any natural person who applies to the call aiming at the constitution of a list of Human Factors experts.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

1. Data to identify and contact the applicant: family name, given name, date of birth, gender, nationality, private postal address, e-mail address, fax and telephone number.
2. Data relevant to demonstrate, in the framework of the selection procedure, that the applicant fulfils the profile advertised in the vacancy notice: CV in European format and application form.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Data subjects are informed about the Data Controller, the data processing, its purpose and lawfulness, as well as the data subjects' rights in the "data protection statement" posted on web page together with the Call for applications.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(Rights of access, to rectify, to block, to erase, to object)

The data subjects may address their requests in writing to the dedicated email address (HF-Experts-NIB@portal.era.europa.eu) provided in the "personal data protection statement" published together with the Call for applications and placed in the Agency web site. Factual data may be rectified throughout the period of validity of the list of Human Factors experts. The data subjects can have access to their individual evaluation results. However, they cannot be provided with comparative results or individual opinions of the members of the selection committee.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

his processing is partly manual and partly automated, as follows: There is an electronic processing for each selection procedure, in the form of an EXCEL file that is kept in the Agency's network under the Safety drive. In addition, the relevant persons from the Network of the National Investigation Bodies are provided with the applications via the Agency Extranet (National Investigation Bodies area with restricted access). The electronic copy is stored under the relevant selection folder in the Safety drive and the restricted area of the Agency Extranet, dedicated to the applications following this call. Electronic copies are accessible only by the relevant staff members to the Safety unit (3), the members of the selection committees and the relevant persons from the Network of the National Investigation Bodies. The Appointing Authority and the supervisory entities

of ERA may have access to this data upon their request. (The applicants are requested to send their application in an electronic form).

10/ STORAGE MEDIA OF DATA

As described above, the data are stored in electronic form on the Safety drive of the Agency and on the dedicated area of the Agency Extranet. The electronic files are accessible only by the relevant staff members of the Safety unit (3), the members of the selection committee and the relevant persons from the Network of the National Investigation Bodies who have been granted access to this restricted area.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Art. 6(5) of Regulation No (EC) 881/2004 establishing a European Railway Agency as amended, Article 21(7) of Directive 2004/49/EC the Railway Safety Directive as amended.

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

In the Call for application, potential applicants are requested to provide detailed information regarding their identification data, professional experience, specific skills and competences proving their eligibility and admissibility for the call for applications. The data provided by the applicant are accessible by the relevant staff members of the Safety unit (3), the members of the selection committee and the relevant persons from the Network of the National Investigation Bodies. The Appointing Authority and any of the supervisory instances of the Agency (i.e. European Court of Auditors, Internal Audit Service, and in case of controversy, the Civil Service Tribunal, the staff Ombudsman, etc.) may have access to this data upon request.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

A. FOR NON-SUCCESSFUL APPLICANTS: TWO (2) YEARS FROM THE DATE THE DATA SUBJECT BECAME AWARE OF THE RESULT OF THE SELECTION PROCEDURE, I.E. FROM THE DATE WHEN THE APPLICANT RECEIVED THE NOTIFICATION OF THE DECISION OF THE SELECTION COMMITTEE NOT INCLUDING HIM/HER

B. FOR THE APPLICANTS WHOSE NAMES HAVE BEEN INCLUDED IN THE LIST: TWO (2) YEARS AFTER THE EXPIRY DATE OF THE LIST OF HUMAN FACTORS EXPERTS. THE FINAL LIST WILL BE VALID FOR 5 YEARS FROM THE PUBLICATION DATE.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

ONE MONTH

(Please, specify the time limits for every category, if applicable)

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.

NA

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

NO SUCH TRANSFERS ARE FORESEEN

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (*Please describe*):

AS FORESEEN IN:

↑ Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

NO

↑ Article 27.2.(b)

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

YES.

↑ Article 27.2.(c)

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

NO

↑ Article 27.2.(d)

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

NO

↑ Other (general concept in Article 27.1)

17/ COMMENTS

This notification concerns a true prior check. Attached to the notification, you can find the Call for application published on the ERA website and the application form as well as the specific privacy statement.

18/ MEASURES TO ENSURE SECURITY OF PROCESSING³ :

Please check all points of Article 22 of Regulation (EC) 45/2001

³ Not to be published in the EDPS' Register (Art. 27(5) of Regulation (EC) N°: 45/2001)
0873-2012-0635

PLACE AND DATE: VALENCIENNES- FRANCE- 24/07/2012

DATA PROTECTION OFFICER: ZOGRAFIA PYLORIDOU

INSTITUTION OR BODY: EUROPEAN RAILWAY AGENCY