

(To be filled out in the EDPS' office)
REGISTER NUMBER: 917

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 17/10/2012

CASE NUMBER: 2012-0902

INSTITUTION: EUROPEAN RAILWAY AGENCY

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

Mikkel Emborg, Head of Administration Unit, e-mail address: Mikkel.EMBORG@era.europa.eu , tel: +33 (0) 32 70 96 559

3/ NAME OF THE PROCESSING

Selection of Confidential Counsellors for the informal procedure in cases of harassment at ERA

4/ PURPOSE OR PURPOSES OF THE PROCESSING

To organise the selection of confidential counsellors for a 2-year voluntary mandate (renewable twice) and to select and identify candidates best qualified to assume the role of confidential counsellor.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

The data subjects are the ERA statutory staff members who apply for the position of Confidential Counsellor.

¹ OJ L 8, 12.01.2001.

² 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*).

The information provided by the applicant in his/her application and letter of motivation (name, length of service at ERA, trainings done and professional experience related to counselling, mother tongue and knowledge of other languages) in view of the eligibility and selection criteria detailed in the Call for Volunteers.

Data resulting from the selection process outlined in the “Manual of Procedures for the implementation of the ERA DECISION N° 384/2012 OF THE EUROPEAN RAILWAY AGENCY ON THE POLICY ON PROTECTING THE DIGNITY OF THE PERSON AND PREVENTING PSYCHOLOGICAL HARASSMENT AND SEXUAL HARASSMENT” comprising the evaluation against pre-defined eligibility criteria, selection criteria and incompatibility criteria.

Information on the results of the compulsory training of candidate confidential counsellors before confirmation of their mandate.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Through a privacy statement found on the Agency's Intranet.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

In general, all candidates can request to access their data by contacting in writing the Controller.

Before the closing date of the selection procedure each applicant can access his/her personal data and rectify them by contacting the Controller. After the closing date of the call data demonstrating compliance with the eligibility or selection criteria may not be updated or corrected; the right to rectify personal data may therefore be limited to factual data/errors.

The deliberations of the selection panel are covered by the principle of confidentiality [(access rights may exceptionally be limited under Article 20 (1) (c)].

Nevertheless, the candidates have the right to access to their final global evaluation at the end of the selection process by submitting a written request to the attention of the Chairperson of the panel, or by writing to the Controller.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The applications are sent in e-format and each candidate will be informed of the outcome of the procedure by e-mail.

The final list of appointed Confidential Counsellors is published on the Agency's Intranet.

Further to the receipt of application forms and motivation letters, the designated HR staff member(s) and the members of the selection panel will handle applications in a paper-based manner.

10/ STORAGE MEDIA OF DATA

Paper files and electronic files on the HR Sector drive.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Articles 12a of the Staff Regulations and Article 11 of the CEOS.

The ERA decision n° 384/2012 on the policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment” and its accompanying manual of procedures.

EU Charter of Fundamental Rights: Articles 1 and 31(1).

Combating harassment, be it psychological or sexual, is a task carried out in the public interest and more specifically for the sound management and functioning of the ERA as well as maintaining a good working environment. Additionally, it is noted that the processing takes place after the data subjects have unambiguously given their consent to that end. The processing operation is thus necessary, as stipulated in Article 5 (a) and (d) of Regulation (EC) 45/2001, and is therefore lawful.

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

The data contained in the selection files are disclosed to:

- Members of the selection panel;
- The Executive Director;
- Designated HR staff;
- the European Ombudsman, the Civil Service Tribunal, the General Court of the European Union, the European Court of Justice and/or the European Data Protection Supervisor. The transmission of data will be restricted to the information necessary for the competent entity to carry out its task.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Documents provided by the selected candidates will be retained for two years after the end of the mandate of the Confidential Counsellor.

Documents of non-selected candidates will be destroyed 2 years following the conclusion of the selection procedure.

The same applies for candidates who did not follow or pass successfully the training and therefore were not appointed as Confidential Counsellors.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS
(Please, specify the time limits for every category, if applicable)

The rights of blocking and erasure data can be exercised at any point in time and should be executed within 1 month from the date a duly substantiated request is made.

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.

The HR sector shall publish an annual activity report containing statistics. any production of statistics will be anonymous.

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,

YES.

↑ 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 is a true prior check.](#)

PLACE AND DATE: 17/10/2012 VALENCIENNES- FRANCE

DATA PROTECTION OFFICER: ZOGRAFIA PYLORIDOU

INSTITUTION OR BODY: EUROPEAN RAILWAY AGENCY