

To be filled out in the EDPS' office

REGISTER NUMBER: 932

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 22/11/2012

Case number: 20121013

Institution: Agency for the Cooperation of Energy Regulators

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

Agency for the Cooperation of Energy Regulators
Trg republike 3
1000 – Ljubljana
Slovenia

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

The department in charge of the processing of personal data is the Administration Department and within the department more specifically the section of Human Resources.

Ms Olga Borissova, Head of Administration

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0932/2012-1013

3/ Name of the processing

Selection of Seconded National Experts.

4/ Purpose or purposes of the processing

The main purpose of personal data collection and processing is to select experts to assist the work of the operational departments and Director's Office. The processing of personal data for the purpose of selecting experts is one intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct. Personal data of experts for reimbursement of expenses are also collected. The call for experts is sent by the Agency to all the concerned organizations in the field as defined by the Agency regulation and gathered by the Permanent Representations of the Member States to the European Union.

The assessment is done on the basis of the needs of each department and on the basis of the main qualifications and requirements as specified in the vacancy notice. The selection is carried out by the selection panel which includes members of the concerned department, staff committee representative and HR representative.

The purpose of the processing is the management and administration of the selection procedure for seconded national experts on a basis of calls for expression of interest in line with Article 4 of ACER's Decision AB No. 02/2011 laying down the rules on the secondment of national experts to the Agency for the Cooperation of Energy Regulators (Annex 2.1).

5/ Description of the category or categories of data subjects

Candidates for an assignment as seconded national experts proposed by the representative bodies in the relevant energy sector as identified in the Article 2 of the ACER's Decision AB No. 02/2011.

6/ Description of the data or categories of data

Candidate's details: Name, gender, birth date, address, email, phone number, nationality, education, knowledge of languages, professional experience, family situation and related supporting certificates and any other information provided by the person. The data is relevant to demonstrate, in the framework of the selection procedure, that the candidate fulfils the profile advertised in the vacancy notice: CV in European format (link: <http://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions>) and motivation letter is provided by all candidates. Bank account information is requested from candidates attending the interview for travel reimbursement reasons (Legal entity and Financial identification forms are filled out – Annex 2.2 and Annex 2.3).

7/ Information to be given to data subjects

A Data Protection Statement is available on the Agency website informing data subjects about the nature of the data and the processing, including: controller, recipients, purpose, lawfulness, and rights of the data subjects (Annex 2.4). Furthermore, the Data Protection Statement informs the data subjects that they have the right to contact the controller in practice or the Agency's DPO in case of queries or complaints, as well as the European Data Protection Supervisor.

8/ Procedures to grant rights of data subjects

The general rules through which data subjects can exercise their rights are laid down in Article 13 of the Agency Implementing rules concerning data protection (Director Decision 2011-27, Annex 2.5). They include access to the DPO's register of data processing operations and requests from data subjects to the data controller to exercise their rights (as required by Articles 13-16 of Regulation (EC) No 45/2001). The Data Protection Statement attached to this notification also details the procedures in place. These are relating to: the right to verify, modify, block or delete the information (contact Administration Department, HR Section in writing to a dedicated email address), the possibility to contact the Agency Data Protection Officer through a

dedicated email address, and the right to have recourse to the European Data Protection Supervisor through a dedicated email address.

9/ Automated / Manual processing operation

Manual

The data on the selection of seconded national experts is subject predominantly to manual review and treatment in the phase of the selection procedure. The selection files of successful candidates are collected and organised in separate personnel files for each SNE.

Automated

Electronic processing includes excel sheets which serve as aids in the management of the selection processes.

10/ Storage media of data

The data is processed on paper and in electronic form and is stored in electronic folders with access limited to authorised HR staff.

Paper application files and hard copies are stored in locked cabinet in the HR section until their destruction. All copies distributed to the selection panel members for the purpose of selection, are returned to the HR section after the conclusion of the selection procedure.

11/ Legal basis and lawfulness of the processing operation

The legal basis for the selection of seconded national experts is found in Article 4 of AB Decision No. 02/2011 laying down the rules on the secondment of national experts to the Agency for the Cooperation of Energy Regulators.

The processing is necessary for the performance of a task carried out in the public interest and for the exercise of the Agency tasks on the basis of Decision AB No. 02/2011. In particular, the selection procedure is necessary for the management of the functioning of the Agency and for the implementation of its specific activities.

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

SNE applications are collected by the Permanent Representations of the Member States and sent to the functional mailbox of ACER HR, accessed only by HR Officer/HR Assistant. The SNE selection data is accessed by the HR Officer/HR Assistant and the members of the selection panel during the selection procedure and to the AHCC (Director) for the purpose of awarding the working agreement. Authorised staff from external bodies (Court of Auditors, Internal Audit Service of the European Commission) may also access to relevant personal data for audit control purposes.

In case of a request for an internal transfer of data justified under Article 7(1) of Regulation 45/2001, the Agency will remind all recipients of their obligation not to use the data received for other purposes than the one for which they were transmitted.

13/ Retention policy of (categories of) personal data

Data related to successful candidates: the data is stored in the personnel file throughout their work at the Agency. The personnel files will be retained for a period of 10 years following the end of the secondment.

Data related to non-successful candidates: the data will be stored for 2 years following the Appointing Authority's approval of the outcome of the selection procedure.

Data pertaining to non-recruited candidates on the reserve list: the data is kept for the validity and the actual extension of the reserve list, and will be stored for 2 years after the expiry of the validity of the reserve list.

13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) Rectification is only possible for factual data during the procedure of selection.
14/ Historical, statistical or scientific purposes 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 SNE data processing for the purpose of selection involve the evaluation of personal aspects relating to the data subjects as foreseen in Article 27.2.(b) of Regulation 45/2001.
17/ Comments

PLACE AND DATE: Ljubljana, Slovenia, 22 November 2012

DATA PROTECTION OFFICER: Paul Martinet

INSTITUTION OR BODY: Agency for the Cooperation of Energy Regulators