

(To be filled out in the EDPS' office)

REGISTER NUMBER: 950

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 13/02/2013

CASE NUMBER: 2013-0181

INSTITUTION: ERCEA

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 RESEARCH COUNCIL EXECUTIVE AGENCY (ERCEA)
PLACE ROGIER 16, 1210 BRUSSELS**

REPRESENTED BY:

CARINA LENARDUZZI, HEAD OF UNIT ERCEA D.2 "HUMAN RESOURCES, INFRASTRUCTURE AND DOCUMENT MANAGEMENT", COV2 20/045, TEL: 63668, EMAIL: CARINA.LENARDUZZI@EC.EUROPA.EU

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

a) Responsible Unit: D.2 "Human Resources, Infrastructure and Document Management".

Contact person: Khady DIONGUE, Legal Advisor, COV2 20/060, TEL: 90479, EMAIL: NDEYE-KHADY.DIONGUE@EC.EUROPA.EU.

b) Processor: The European Personnel Selection Office (EPSO) of the European Commission provides the system 'European Reserve List' of laureates of the Contract Agents Selection Tests (CAST), as provided in the CEOS Regulation and the Internal Rules on the Engagement and Use of Contractual Agents.

Other processors:

The European Commission (DIGIT) provides the 'EU CV-Online' system (subject to a Memorandum of Understanding between the ERCEA and the European Commission's DG DIGIT (Ref. DIGIT-00111-03)).

¹ OJ L 8, 12.01.2001.

² Please attach all necessary backup documents

Access to the Virtual Bluebook database is provided to the ERCEA by DG EAC, subject to a Service Level Agreement between the ERCEA and the European Commission (Ref. Ares(2012)1173535 - 05/10/2012).

3/ NAME OF THE PROCESSING

Unsolicited job applications within the ERCEA

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Handling of spontaneous applications by job candidates, creation of a central database of such applications based on the lists of CAST (Contract Agents Selection Test) laureates and access to this information.

The processing serves to evaluate the eligibility, expertise and profile of the applicants and allows the retention of the most suitable candidates for open positions at the ERCEA.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

External and inter-institutional candidates applying at the ERCEA in the position of

- **contractual or**
- **temporary agents (seconded and externally recruited)**
- **interim agents**
- **trainees**
- **seconded national experts**

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

- **Personal details**: First name, last name, address, phone number, fax, e-mail, nationality, date of birth, gender;
- **Work experience** including, for each experience: start and end dates, position/title held, main activities and responsibilities, name and address of the employer, type of business, sector;
- **Education and training** information including, for each course: start and end dates, title, qualification, diploma (level in the national and/or international classification), main study subjects, name of the organisation providing the education or the training;
- **Languages** including, for each language: level of understanding, listening, reading, spoken proficiency, written proficiency and details about the courses attended;
- **Personal skills and competences**: technical, organisational, social, artistic, other.

Some CVs may contain personal identification numbers, a picture of the candidate, an indication of her/his hobbies and/or family status.

- The ERCEA Human Resources unit also maintains a database of names of spontaneous applicants (provided they are CAST laureates). The standard view in the public folder groups is sorted by function group and shows the following data of the applicants:

- CAST profile (Function Group)
- name, first name
- main field of experience (optional field)
- nationality
- gender
- date of application.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

- By standard letter (see annex II to the “ERCEA unsolicited job application procedure”, annex 1 to this notification) the ERCEA informs all applicants that:

A) If the application is for a position of Contract agent:

- the ERCEA HR Selection Team has received the CV
- the ERCEA only keeps spontaneous applications from CAST laureates for Contractual Agent positions
- the application of CAST laureates is transmitted to the ERCEA management to include them into contract agent selection procedures according to their need
- their CV is kept for one (1) year
- in case the candidate wants to renew (replace), modify or withdraw his/her application, s/he can introduce the request via the functional mailbox provided.

In case a candidate expresses interest in a job as Temporary Agent or Seconded National Expert, s/he should regularly verify the ERC internet site for calls for expression of interest

B) If the application is for a position of Interim Agent:

- s/he should contact one of the interim agencies and any information supplied by applicants that are not included in a valid CAST list is deleted.

C) In case the applicant is interested in a trainee position:

- s/he should apply via the official traineeship scheme of the Commission ("Blue Book Stagiaires").

- The following sentence is included in any correspondence with candidates: *"Please be informed that your personal data are being dealt with in compliance with Regulation 45/2001. For more information, please check the ERC internet site."*

- Privacy statements on the ERCEA unsolicited job application procedure (annex 7) and selection procedure (annex 6) are available on the ERC website (<http://erc.europa.eu/about-erc/job-opportunities>) and inform the data subject about the controller, his/her rights, the purpose of the processing, categories of data and their recipients, the legal basis and the right of recourse to the EDPS.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

- As explained in the privacy statement on ERCEA unsolicited job application procedure, if a candidate would like to check, modify, correct or delete any personal data, s/he can apply to the Head of Unit D2 – Human Resources, Infrastructure and Document Management (the Controller), by sending an e-mail giving details of the request to the mailbox ERC-SPONTANEOUS-APPLICATIONS@ec.europa.eu.

- If a request is introduced to access, rectify, block, erase or object to the use of data provided by the data subject, the D2/Selection team treats the request immediately and solves it as soon as possible, at the latest and only exceptionally, within two³ months from the receipt of the request as per Article 13 of the ERCEA Implementing Rules of Regulation 45/2001: "*Further to their right to be appropriately informed about any processing of their personal data, data subjects may approach the relevant Controller to exercise their rights pursuant to Articles 13 to 19 [which include the right of access, to rectify, to block, to erase and to object of the Regulation, as specified below:[...] c) The Controller shall, at any time within three calendar months of receipt of the request, grant access pursuant to Article 13 of the Regulation by enabling the data subject to consult these data on-site or to receive a copy thereof, according to the applicant's preference.*"

9/ AUTOMATED / MANUAL PROCESSING OPERATION

For the selection of Contract Agents, the recruiting HoUs or HoDs perform searches in the lists of laureates of Contract Agents Selection Tests (CAST) via the European Reserve List (ERL) database. These searches are based on previously established criteria that are in accordance with the relevant job description profile. Unsolicited applications of CAST laureates can be taken into account in the search for candidates for vacant positions.

The HR Selection team, management and staff of the ERCEA receive unsolicited (spontaneous) applications from persons interested in working at the ERCEA, eligible and non-eligible candidates, which in a first step are screened against the CAST-database. Eligible candidates are included in a database with spontaneous applications (CAST Laureates) that is managed by the ERCEA HR team and accessible to HoUs, HoDs, the Director and their secretaries. Non-eligible applications are deleted. Retained applications are further posted by the HR Selection team into a public folder in Outlook (list of retained applicants). Access to this folder is granted to HoUs, HoDs, the Director and their secretaries for recruitment purposes. These persons are instructed to use the relevant applications submitted to them or made available through the database only for the selection of job openings in their unit.

Unit HR informs the applicants by standard letter that the ERCEA HR Selection team has received his/her CV and informs him/her about the treatment of his/her CV (see Section 7 of this notification). The standard reply is registered in ARES (in a file "*spontaneous applications 20xx*").

The HR Selection Team deletes all applications that are older than one (1) year. However, in order to ensure that the ERCEA always has the last up to date version of the applicant's curriculum and gives it appropriate follow-up, the applicant is invited in the standard reply to

³ According to the ERCEA Implementing Rules approved by the EDPS on case no 2010-0341, the maximum time limit is three months but the internal procedure in HR unit is foreseen to solve the issue within two months.

submit and regularly update her/his CV in "EU CV online" and tick the ERCEA box, the service collecting and managing professional data from external applicants interested in a job with the European institutions or other international organisations, allowing the managers of EU institutions and bodies to consult their application. If they do not tick the ERCEA box, ERCEA does not see their CVs.

- In the case of applications for Temporary agent positions:

Recruitment of Temporary Agents for the Agency is done only via calls for expression of interest. Applicants are invited to consult the ERC and EPSO websites regularly for more information and reminded that the recruitment of Temporary agents by the Agency is handled in accordance with the Agency's rules, as adopted by its Steering Committee on 14/12/2009.

- In case of applications for Seconded National Expert (SNEs) positions:

Recruitment of SNEs is done only via calls for expressions of interest. Applicants are invited to consult the ERC and EPSO websites regularly for more information and reminded that the secondment procedures are governed by the rules adopted by the ERC Steering Committee of 16/02/2010 as revised on 25/10/2011 (that can be found here:

http://erc.europa.eu/sites/default/files/document/file/rules_applicable_to_SNE_revised.pdf

- In case of applications for Trainee positions:

The Agency has the possibility to offer an in-service training ("stage") for young university graduates. Trainees are invited to apply with the official traineeship scheme of the Commission "Blue Book Stagiaires" and informed that more information about traineeships in the Commission can be found under the link: http://ec.europa.eu/stages/index_en.htm.

- In case of applications for Interim agent positions:

Applicants are informed that the Agency employs staff on a temporary basis, mainly for secretarial work, on short term contracts through temping agencies. Applicants are invited to consult the following link:

http://europa.eu/epso/discover/careers/staff_categories/agencies_en.htm#chapter1

and informed that:

- Any data supplied by candidates who are not CAST laureates will not be kept by our services.

- In case an EPSO CAST candidate would like to renew (replace) or withdraw his/her application, s/he can request to do so via the functional mailbox ERC-SPONTANEOUS-APPLICATIONS@ec.europa.eu.

- More information on recruitment and vacant positions can be found on the ERC website.

- Please find the link to the specific privacy statement: <http://erc.europa.eu/about-erc/job-opportunities>

10/ STORAGE MEDIA OF DATA

Data are stored in an electronic storage medium (the ERCEA shared drive) and in a "public Outlook folder" (see annex 8 for a template database of names of spontaneous applicants).

The standard replies to the spontaneous candidatures are registered in ARES.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

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- Decision StC160210/2d (revised on 25/10/2011) of the Steering Committee of the ERCEA laying down the "*Rules applicable to seconded national experts and national experts in professional training at the European Research Council Executive Agency*" (Ref. Ares(2011)1255262 - 23/11/2011).

- Rules governing the official traineeships scheme of the European Commission (Commission Decision of 2/03/2005 - C(2005)458).

- Service Level Agreement ERCEA - European Commission on bluebook trainees (see annex 4).

- Memorandum of Understanding between the ERCEA and the European Commission's DG DIGIT (Ref. DIGIT-00111-03) (see annex 5)

- The ERCEA has access to EPSO's recruiting service according to Article 85(5) of the CEOS Regulation (Article 82 (5)) in combination with the Internal Rules on the Engagement and Use of Contractual Agents.

- Framework contracts with interim agencies:

*Tempo Team: "RAAMCONTRACT MET MEERDERE CONTRACTANTEN HR/R3/PR/2011/023/1 ERCEA/D2/2011/71" (Ref. Ares(2011)1309159 - 05/12/2011) (see annex 9)⁴.

*Randstad: "CONTRAT CADRE MULTIPLE HR/R3/PR/2011/023/2 ERCEA/D2/2011/72" (Ref. Ares(2011)1309159 - 05/12/2011) (see annex 10).

*Manpower: "CONTRAT CADRE MULTIPLE HR/R3/PR/2011/023/3 ERCEA/D2/2011/73" (Ref. Ares(2011)1400099 - 22/12/2011 (see annex 11).

This processing operation is lawful pursuant to Article 5(a) because it is "*necessary for performance of a task carried out in the public interest on the basis of the Treaties established the European Communities or other legal instruments adopted on the basis thereof*".

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

- Personnel in the ERCEA HR unit dealing with the selection procedure (D2/Selection).
- Heads of Unit, Heads of Department, the Director and their secretaries.
- Members of the selection panel in case an applicant is invited to participate to a selection.

In addition, certain administrative details may be disclosed, in compliance with the relevant current legislation and established case law, and on a temporary basis to legislative or supervisory bodies of the ERCEA, as well as auditing bodies.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The CV of a candidate is kept for one (1) year.

⁴ The Tempo Team contractor notified termination of contract on 19 January 2013.

The standard reply to any candidate is kept in ARES for two (2) years (in a file "*spontaneous applications 20xx*").

Any information supplied by applicants that are not already included in a valid CAST list is immediately deleted.

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

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

Please see section 8 for details.

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 ERCEA keeps anonymous statistics on the number of spontaneous applications received by the Agency each year in the form of excel sheets.

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):*

In the process of managing spontaneous applications in the context of a selection procedure, specific risks to the rights and freedoms of data subjects by virtue of their nature, scope or purposes are present.

The HR Selection team processes data that might be used in a selection procedure (EDPS case number 2010-0244) to evaluate personal aspects relating to the data subject, including her/his ability, efficiency and conduct. As a result an individual may be excluded from a selection procedure.

AS FORESEEN IN:

Article 27.2.(a)

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

Article 27.2.(b) ✓

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

1 Article 27.2.(c)

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

1X Article 27.2.(d) ✓

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

1 Other (general concept in Article 27.1)

17/ COMMENTS

The processing operation has been established since September 2012, when the procedure "*Unsolicited job applications within the ERCEA*" was put in place (annex 1).

List of attachments:

1. Procedure "*Unsolicited job applications within ERCEA*", Ref. Ares(2012)1213056 - 15/10/2012).
2. Note n° SEC(2006)1188 of SG of 14 September 2006 ("*Décision relative à une pratique administrative normale d'élimination des candidatures spontanées et des curricula vitae (CV) reçu hors de l'application "EU CV Online"*") which explains the current administrative practice in relation with spontaneous applications and CVs received by the services at the Commission, cf p. 2 Exception.
3. Note from I. Souka to all HR managers of 04 December 2007 instructing the services of the Commission to use EU CV Online (Ref. ADMIN.A.1 D(2007)23295).
4. Service Level Agreement ERCEA-European Commission on bluebook trainees (Ref. Ares(2012)1173535 - 05/10/2012) and its amendments.
5. Memorandum of Understanding between the ERCEA and the European Commission's DG DIGIT (Ref. DIGIT-00111-04).
6. Specific Privacy Statement on the selection procedure, also available on the ERC website.
7. Specific Privacy Statement on the Management of unsolicited job application at ERCEA", also available on the ERC website.
8. Template database of names of spontaneous applicants.

Framework Contracts with interim agencies:

9. Tempo Team: "RAAMCONTRACT MET MEERDERE CONTRACTANTEN HR/R3/PR/2011/023/1 ERCEA/D2/2011/71" (Ref. Ares(2011)1309159 - 05/12/2011).
10. Randstad: "CONTRAT CADRE MULTIPLE HR/R3/PR/2011/023/2 ERCEA/D2/2011/72" (Ref. Ares(2011)1309159 - 05/12/2011).
11. Manpower: "CONTRAT CADRE MULTIPLE HR/R3/PR/2011/023/3 ERCEA/D2/2011/73" (Ref. Ares(2011)1400099 - 22/12/2011).

PLACE AND DATE: **BRUSSELS, 13/01/2013**

ACTING DATA PROTECTION OFFICER: **BAMBARA, GIUSEPPE**

INSTITUTION OR BODY: **ERCEA**

(To be filled out in the EDPS' office)

EDPS OPINION

OF DATE:

CASE NUMBER:

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FOLLOW UP *(in case of acting measures to be taken)*