

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1013

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 07/06/2013

CASE NUMBER: 2013-0608

INSTITUTION: EUROPEAN PARLIAMENT

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 PARLIAMENT
PLATEAU DU KIRCHBERG
B.P. 1601
L-2929 - LUXEMBOURG

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

Directorate-General for Personnel
Data Controller - Mr Yves QUITIN, Director

3/ NAME OF THE PROCESSING

Selection and recruitment procedure for contract staff with a disability

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose of the processing is, in the context of a positive action through a specific programme, to recruit contract staff with a disability.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

The Data subjects are the applicants for the specific action programme on the employment of disabled contractual agents.

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

The personal data processed are the following:

Selection part

- Administrative data
- Evaluation data (CVs)

For a more detailed description of the two above mentioned points, please see case [2007-0384](#)

- Medical data: handicap certificate, diagnosis and its summary in French or English and Reasonable Accommodation form - Only for shortlisted applicants

Recruitment part

- Administrative data
- Birth certificate
- Certificate of nationality or certified copy of ID
- Picture
- Criminal record
- Proof of residence
- Certified copies of certificates of employment (for each previous employment) or, for freelance workers, proofs of professional experiences and their length
- Certified copies of diplomas

If applicable:

- Marriage certificate
- Official document testifying of the statute of non matrimonial partners
- Copy of the divorce or legal separation decision by the court and determining the child care
- Document testifying of possible child allowance
- Recent salary slip of the spouse
- Certificate of attendance at school (for children above 15 years old)
- Proof testifying of military situation in order

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

A privacy statement providing Data subjects with information listed in Articles 11 and 12 of Regulation 45/2001 will be published on the EP website.

The form on the Reasonable Accommodation contains a link to this privacy statement.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

Data subjects may exercise their rights by contacting the person designated as being in charge of the processing operation.

Please note that the right of rectification only apply to factual data processed within the selection procedure. In addition, data related to the admissibility criteria can not be rectified after the closing date of submitting applications.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The processing is automated in part (EPSO database) as well as manual.

10/ STORAGE MEDIA OF DATA

Personal data are stored in:

- paper form: files are locked in the archives of the DG;
- electronic form: data are shared according to competences and kept in the respective drive of each unit involved in the procedure (Competition and Selection Procedures Unit, Recruitment and Transfers Unit, Equality and Diversity Unit and Medical Service).

Those drives are part of the EP network ensuring appropriate security safeguards.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

The legal basis is:

- Conditions of employment of other servants of the European Communities;
- Bureau decision of July 2008 to use the budget for contract staff to recruit a number of contract staff with disabilities (PE 406.502/BUR/rev);
- Code of Good Practice for the Employment of Persons with Disabilities (Bureau decision June 2005);
- UN Convention on the Rights of Persons with Disabilities

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

The recipients of the personal data are the following:

- Competitions and Selection Procedures Unit: application emails;
- Human Resources of each DG: list of applicants;
- Recruitment and Transfers Units: data concerning the recruitment part (see box 6);
- Equality and Diversity Unit: proof of disability, form on Reasonable Accommodation;
- Medical Service: diagnosis and its summary in sealed envelop;
- Committee on Reasonable Accommodation: form on Reasonable Accommodation;
- Individual Entitlements and Payroll Unit: data necessary to grant entitlements and allowances;

-Accreditation Centre: administrative data necessary to create badges;

In case of complaints:

EDPS, Ombudsman, Civil Service Tribunal;

For verification:

Financial Resources and Controls Unit
Possibly Internal Audit
European Court of Auditors
OLAF

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

THE RETENTION PERIODS SET ARE THE FOLLOWING:

- PERSONAL DATA CONCERNING THE NON-RECRUITED APPLICANTS WILL BE KEPT FOR 2 YEARS AND A HALF AFTER THE RECRUITMENT PROCEDURE;
- THE RECRUITMENT FILE WILL BE KEPT FOR 10 YEARS AFTER THE END OF THE RECRUITMENT;
- MEDICAL DATA (REASONABLE ACCOMMODATION FORM, REPORTS AND MINUTES OF THE COMMITTEE ON REASONABLE ACCOMMODATION) WILL BE KEPT FOR 2 YEARS AFTER THE COMPLETION OF THE CONTRACT.

THE DATA ALLOCATED TO THE PERSONAL AND MEDICAL FILES WILL BE KEPT ACCORDING TO THE RULES APPLICABLE TO THEM.

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

THE TIME LIMITS ARE:

BLOCKING

THE DATA CONTROLLER SHALL TAKE A DECISION WITHIN 15 WORKING DAYS OF RECEIVING A REQUEST FOR DATA TO BE BLOCKED. IF THE REQUEST IS ACCEPTED, IT SHALL BE ACTED UPON WITHIN 30 WORKING DAYS AND THE DATA SUBJECT NOTIFIED THEREOF. SHOULD THE REQUEST FOR BLOCKING BE REJECTED, THE DATA CONTROLLER SHALL HAVE 15 WORKING DAYS WITHIN WHICH TO INFORM THE DATA SUBJECT BY MEANS OF A LETTER STATING THE GROUNDS FOR THE REJECTION.

ERASURE

THE DATA CONTROLLER SHALL REPLY WITHIN 15 WORKING DAYS OF RECEIVING A REQUEST FOR ERASURE. IF THE REQUEST IS ACCEPTED, IT SHALL BE ACTED UPON IMMEDIATELY. IF THE DATA CONTROLLER DEEMS THE REQUEST UNJUSTIFIED, HE OR SHE SHALL HAVE 15 WORKING DAYS WITHIN WHICH TO INFORM THE DATA SUBJECT BY MEANS OF A LETTER STATING THE GROUNDS FOR THE DECISION.

(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.

ANONYMISED DATA ON APPLICATIONS, REASONABLE ACCOMMODATION AND DISABILITY WILL BE KEPT FOR STATISTICAL PURPOSE. APPROPRIATE SAFEGUARDS ARE PUT IN PLACE TO ENSURE THAT DATA WON'T BE PROCESSED FOR ANY OTHER PURPOSES.

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*):

THE PROCESSING OPERATION IMPLIES HEALTH DATA AS THE PROCEDURE IS FOCUSED ON PERSONS WITH DISABILITIES.

AS FORESEEN IN:

↑ Article 27.2.(a)

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

17/ COMMENTS

In order to prevent any misunderstanding as to the proportionality of data collection, it should be highlighted that the collection of health data mentioned in point 5 of the *New recruitment Procedure For Contract Staff With A Disability* has a different purpose than the assessment of the disability of the candidate during the medical examination.

Indeed, the first collection should enable doctors to provide piece of advice to the Committee on Reasonable Accommodation as to the suitability and feasibility of the applicants' request whereas the assessment of the disability made during the medical examination aims at determining if the applicant may benefit from this specific EP recruitment programme.

PLACE AND DATE: 3 JUNE 2013

DATA PROTECTION OFFICER: SECONDO SABBIONI

INSTITUTION OR BODY: EUROPEAN PARLIAMENT