

*(To be filled out in the EDPS' office)*  
**REGISTER NUMBER: 1058**

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**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 28/06/2013**

**CASE NUMBER: 2013-0743**

**INSTITUTION: EDA**

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

**INFORMATION TO BE GIVEN<sup>2</sup>**

1/ NAME AND ADDRESS OF THE CONTROLLER

Jan-Paul Brouwer, Head of Human Resources unit - rue des Drapiers 17-23 – 1050 Bruxelles.

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

The Human Resources unit, the Selection Board Members, the Director of the Corporate Services Directorate, the Deputy Chief Executive, the Chief Executive.

3/ NAME OF THE PROCESSING

EDA Selection and Recruitment procedure for Temporary Agents (TA), Contract Agents (CA), Seconded National Experts (SNE) and Interns.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Processing of employment applications in view of selection and possible recruitment as various staff categories, namely:

- Temporary Agents (TA), and Contract Agents (CA);
- Seconded National Experts (SNE);
- Interns.

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<sup>1</sup> OJ L 8, 12.01.2001.

<sup>2</sup> **Please attach all necessary backup documents**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

All candidates submitting an application for a position as Temporary Agent, Contract Agent or Seconded National Expert at EDA following a vacancy notice. All vacancy notices are announced on the EDA website.

All candidates for an internship at EDA as well as candidates sending a spontaneous application at EDA.

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

**A) External selection and recruitment procedures organised by EDA - application form for TA, CA and SNE positions at EDA**

Concerning applications for TA, CA and SNE positions at EDA, personal data are collected from data subjects using a standard EDA job application form through an on-line system.

A.1) The **standard EDA on-line job application form**, collects the following personal data: (1) Name, (2) Home address and address for correspondence, (3) Date of birth, (4) Place and country of birth, (5) Gender, (6) Nationality, (7) Telephone numbers and email address, (8) Civil status, (9) Family status, (10) Knowledge of languages, (11) Education and training, (12) Employment in a Civilian or a Military capacity, (13) Length of the legal notice period required, (14) Objection against inquiry with present employer, (15) Professional experience record, (16) Knowledge of computer software, (17) Periods spent abroad, (18) Security clearance, (19) Where the applicant finds out about the vacancy, (20) References, (21) Motivation, (22) Declaration on honour.

**A.2)** Further personal data at stake in the course of the candidate selection & staff recruitment procedures for TAs, CAs and SNE

Forms for internal use by the HR unit and the Selection Board in the staff selection process:

- **Interview grid (see annex 1);**
- Final report, detailing the appreciation of the Selection Board on the occasion of the candidates' interview;
- Copy of certificates and employment transcripts (for those coming to the interviews not applicable for SNE's);
- Financial information (bank details) (for those invited to the interview having the right to be reimbursed);
- Medical data<sup>3</sup> in the context of the pre-employment medical visit of those candidates who made a successful interview and who are retained for recruitment (not applicable for SNE positions and Internships).

**B) Selection of candidates for Internships**

EDA participating Member States provide name or CV to the Chief Executive of possible candidates for internship.

**C) Spontaneous applications**

EDA does not consider unsolicited applications.

<sup>3</sup> The process on medical data are notified separately

**Except for medical certificates in the context of the pre-employment medical visit, none of the special categories of data in the sense of Art. 10 (1) of the DP Regulation are addressed in the EDA staff recruitment process. Information on disability, photographs and other data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership is not requested in the context of EDA recruitment, but these data could be provided spontaneously by the candidate/data subject.**

#### 7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The information to be given to data subjects detailed in Art. 11 and Art. 12 of the DP Regulation are taken into account in the EDA candidate selection & staff recruitment process

**A) For all positions at EDA: Data protection note posted on the EDA website + a reference in each vacancy notice.**

A note containing information on the processing of personal data in the context of the EDA staff recruitment process conform Art. 11 of the Data Protection Regulation is posted on the EDA website: <http://www.eda.europa.eu/jobs/dataprotection> (see annex 2).

Each vacancy notice refers to the Data Protection Regulation, see text below:

*“Please note that EDA will not return applications to candidates. The personal information EDA requests from candidates will be processed in line with Regulation (EC) N° 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. The purpose of processing personal data which candidates submit is to manage applications in view of possible pre-selection and recruitment at EDA.*

*More information on personal data protection in relation to selection and recruitment can be found on the EDA website: <http://www.eda.europa.eu/jobs/dataprotection>”.*

To apply for a position at EDA applicants need to create an EDA profile using a **valid e-mail address and a password. Via their EDA profile they can access their application to modify it on- line until the indicated deadline for submission of applications.**

Instructions on the use of the on-line application tool are available on the EDA website.

Information on applicants is retained for a period of 5 years following budgetary discharge to meet review and control purposes.

Concerning the processing of personal data, applicants/data subjects have a right to recourse at any time to the European Data Protection Supervisor.

#### 8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

As concerns application data:

By means of the EDA profile created via the EDA on-line application system in order to enter the recruitment system to modify data until the submission deadline;

As concern evaluation data:

Feedback on the outcome of the recruitment procedure: candidates can contact the EDA HR Unit for feedback both orally and subsequently also in writing on the criteria according to which candidates were evaluated as well as the relative merit of the application.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Data processing is automated. All candidates for TA, CA and SNE positions apply through the on-line application system.

For SNE positions a proof of sponsorship by their national authority is required and the sponsorship letter is attached by the HR unit to the on-line application of the candidate/data subject.

For internship the data processing is manual. EDA participating Member States provide name or CV to the Chief Executive of possible candidates for internship.

10/ STORAGE MEDIA OF DATA

**TA, CA and SNE positions :**

Job applications for TA, CA and SNE positions are stored electronically in a protected database with access limited to the HR Unit and the Selection Board members. Final report, tests after interviews are stored in a locked filing cupboard and locked archives with access limited to the HR unit.

Applications for internship are stored in a locked filing cupboard with access limited to the HR unit.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Processing operation is clearly covered by the mandate of EDA

- COUNCIL DECISION 2011/411/CFSP of 12 July 2011 defining the statute, seat and operational rules of the European Defence Agency and repealing Joint Action 2004/551/CFSP. The Council decision is available on the following link:  
[http://www.eda.europa.eu/docs/documents/EDA\\_Council\\_Decision.pdf](http://www.eda.europa.eu/docs/documents/EDA_Council_Decision.pdf).
- COUNCIL DECISION of 24 September 2004 concerning the Staff Regulations of the European Defence Agency and COUNCIL DECISION of 29 January 2007 amending Decision 2004/676/EC concerning the Staff Regulations of the European Defence Agency. The document is available on the following link: <http://www.eda.europa.eu/docs/default-source/documents/consolidated-eda-staff-regulations-en.pdf>.
- COUNCIL DECISION of 24 September 2004 concerning the Rules applicable to national experts and military staff on secondment to the European Defence Agency (2004/677/EC) and COUNCIL DECISION of 29 January 2007 amending Decision 2004/677/EC with regard to a minimum period of secondment of national experts and military staff seconded to the European Defence Agency. The document is available on the following link:  
<http://www.eda.europa.eu/docs/documents/rules-applicable-to-national-experts-and-military-staff-on-secondment.pdf>.
- Decision N°11/06 adopting rules on the appointment and functioning of the selection panels for the recruitment of EDA staff (**see annex 3**).
- Decision N°10/05 rules concerning internship in the EDA (**see annex 4**).

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

- EDA HR unit;
- EDA staff taking part as member in the selection board;
- Director of the Corporate Services Directorate;
- Deputy Chief Executive;
- Chief Executive;
- EDA Finance unit (i.e. for the purpose of reimbursement of travel costs related to interviews);
- EDA Internal Auditor;
- College of Auditors;
- Medical Service of the Council (for pre-employment medical check-ups);
- EU Ombudsman;
- OLAF;
- Civil Service Tribunal.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

- Documents related to recruited candidates are kept in the agent's personal file, in accordance with Art. 32 of the EDA Staff Regulations, for a period of 10 years following termination of employment.
- Data related to non-recruited applicants for TA and CA positions put on a reserve list for recruitment shall be kept for a period of 2 years following expiry of the reserve list.
- Data related to non-recruited applicants for TA, CA and SNE positions shall be kept for a period of 2 years following budgetary discharge to meet review and control purposes.
- Data related to spontaneous applications is destroyed only EDA email replies to the spontaneous applications are kept.

*Specification with regard to the collection of security clearance, criminal record, police record or certificate of good conduct.*

The formal job offer to candidates which have successfully passed the interview includes a request to provide a recent excerpt of the criminal record or police record or a recent certificate of good conduct, which is conditional for the confirmation of the recruitment. This document is thus only asked from candidates in the advanced stage of the selection procedure, after they have successfully passed the interview. This document is always returned to the candidate concerned after the completion of the recruitment process. In case the candidate is recruited, it is replaced in the personal file with a standard form stating that the person is suitable for the performance of his duties and enjoys his full rights as a citizen (**see annex 5**).

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

Data subjects can exercise their rights at any time by contacting the HR unit. Justified requests for blocking and erasure will be handled within **10 working days**.

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

Statistics on recruitment progress are needed from time to time.

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*):

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, including his or her ability, efficiency and conduct*  
*EDA-PCN-25-Recruitment*

17/ COMMENTS

Not applicable.

PLACE AND DATE: BRUSSELS, .25 JUNE.2013

DATA PROTECTION OFFICER: ALAIN-PIERRE LOUIS

INSTITUTION OR BODY: EDA

Annexes:

Annex I: Interview grid

Annex II: Note on protection of personal data in relation to selection and recruitment of temporary agents, contract agents and seconded national experts

Annex III: Decision N°11/06 adopting rules on the appointment and functioning of the selection panels for the recruitment of EDA staff.

Annex IV: Decision N°10/05 rules concerning internship in the EDA.

Annex V: Acknowledgement of receipt – criminal record