

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1127

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 12/07/2013

CASE NUMBER: 2013-0871

INSTITUTION: TEN-T EA

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Name: Mr Marcos Roman Parra, Head of Unit, Resources Unit T1
Address: W910 03/042, Trans-European Transport Network Executive Agency (TEN-T EA),
Chaussée de Wavre 910, B-1049 Brussels

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

Resources Unit T1, Human Resources Sector

3/ NAME OF THE PROCESSING

Internal recruitment at the TEN-T Executive Agency.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose of the processing operation is to ensure and organise the internal mobility procedure of staff, manage applications, select the best qualified candidates according to the vacancy notice's requirements and then to organize transfer of the selected staff member.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Agency staff: temporary and contract agents.

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 personal data processed is contained in the CV's submitted to the Agency by the applicant: name, surname, address, phone number, email, nationality, date of birth, gender, professional experience, whole education and training, unit of assignment, function group and grade, job title. A motivation letter is also requested when applying for an internal position.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Information is provided to data subjects in the Specific Privacy Statement, on the Intranet of the Agency and Guidelines on Internal Mobility has also been issued.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

As mentioned in the Privacy Statement, and in line with the Implementing Rules on data protection, each candidate can access his/her personal data and have them rectified upon a written request addressed to the data controller, sending an e-mail to the controller. Considering the nature of the selection process, after the closing date of the respective call the right to rectify personal data is restricted to material errors.

Having regard to the secrecy which must surround the proceedings of a selection committee and the established case law of EU courts, access to personal data may be limited on the grounds of Article 20, paragraph 1, of Regulation (EC) N° 45/2001

Unsuccessful staff members can ask the Human Resources department or the Director of the Agency the reasons for not having been selected for the position.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Mobility has two main aims: to meet the needs of the individual staff members in terms of their interest, achievements and career development, and to satisfy the Agency's requirements in terms of performance and efficiency and the best placement of staff.

Mobility is any significant change of the job occupied by a jobholder (within the same category of employment). It may be:

- Changing duties while staying in the same unit or moving to another one: there should be a considerable change in the functions and duties which is also reflected in the job description (new job description or some changes to the previous one);
- Moving from one unit to another (swap): while keeping the same functions and duties.

Four types of mobility have been identified:

- Internal voluntary mobility
- Compulsory mobility (sensitive functions)
- Mobility in the interest of the service
- Accelerated mobility procedure

"As a rule, mobility is voluntary" (Commission Guidelines on Mobility July 2002(SEC(2002)146)

Internal procedure

1. Publication of a vacant position

When a position becomes vacant it is published internally on the intranet of the Agency for two weeks. After this, the selection of the internal candidate will be done within a further 2 weeks. In case there are no applicants, or no suitable internal candidates, the position is then opened to external candidates.

A vacancy can only be filled internally once the job has become vacant. However, in order to have continuity in the work, the Director can allow the publication as soon as the Human Resources department is aware of a future vacant position.

2. Application

For courtesy reasons, it is suggested that the applicant informs her/his line manager before applying. Applications should be introduced using a "common CV based upon the European CV format" accompanied by a "motivation letter". Applications are addressed to the Human Resources Department (via the mailbox TENEHR INFO).

Applications are printed, then a screening grid is made based on the applications received and finally kept in a folder.

3. Selection Committee

The selection committee is composed of at least 3 members: the Director, the Head of Unit concerned and a third member of their choice. The Human Resources sector will act as secretary of the committee.

4. Selection of the candidate

The selection of an internal candidate for a job is made solely on the basis of his/her qualifications while respecting the policy of equal opportunities and non-discrimination. This means that all internal candidates considered to be eligible for a job are invited for an interview with the selection committee.

Internal candidates whose application has not been retained for the vacant position are informed by the Human Resources sector of the decision.

The interviews are done using the Agency's standard interview grids based on the job description. Candidates are informed in writing of the outcome of their application and if no suitable candidate is identified, an external publication will be launched.

5. Notification to the Heads of Units

Once the selection committee agreed to recruit a candidate, the Director informs the exporting unit as well as the Human Resources sector. A Decision of the Executive Director is drawn up and the Human Resources sector organises the transfer of the person concerned.

6. Transfer of the staff member

In order to avoid that the transfer interferes with the good functioning of the source unit, the transfer of the staff member will take place after 20 days starting from the date of the decision. For reasons related to the needs of the service, this period can be extended or shortened at the discretion of the Director.

The candidate will be permitted to work part-time in his/her new job and to return part-time to his/her old unit after the move has taken place, for up to 2 months.

The candidate prepares a handover note for the person succeeding him/her before changing job, with a view to facilitate the transition. In the absence of a handover note, the staff member's transfer can be delayed.

The final Decision of the Director on internal mobility is filed in the staff member's personal file.

10/ STORAGE MEDIA OF DATA

Data is stored in paper files in the personnel files and electronic files on the drive of the Human Resources sector with restricted access.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Legal basis:

- Article 11, paragraph 6, and Article 18 of Council Regulation (EC) N° 58/2003 (laying down the statute for executive agencies):
- Article 2 and Article 6(5) of Commission Decision C(2007)5282 of 5/XI/2007 delegating powers to the TEN-T EA as amended by Decision C(2008)5538 of 7/X/2008 amending Decision C(2007)5282
- Article 4, 7(1) and 29 of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities
- Commission Guidelines for Mobility (SEC(2002)146)
- Rules Governing Internal Mobility in the TEN-T EA
- Internal Control Standard n°3
- Internal Control Standard n°7

Lawfulness:

Regulation (EC) No 45/2001, Article 5(a) in conjunction with Recital 27: the processing is necessary for the legitimate exercise of official authority vested in the Community institution or body and/or Article 5 (b) the processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties or other instruments adopted on the basis thereof.

In addition, the process is lawful under Article 5 (d) meaning that the data subject has unambiguously given his or her consent.

Data processed during the procedures of selection and recruitment falls under the scope of Article 27.2 (b) of Regulation (EC) 45/2001.

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

Personal data during the selection phase will be disclosed to the Director (AIPN), the Head of Unit concerned, Head of Unit Resources, the Human Resources sector dealing with the selection, Staff Committee and sometimes external members from the parent DG (DG MOVE).

The data may be disclosed to the Internal Auditor, IAS, Court of Auditors, Legal Team, Legal Service, EU Courts, EDPS, OLAF.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The data of the staff members applying for an internal position remains in the restricted drive of the Human Resources sector under "internal recruitment" for 5 years. The Agency retains anonymous data for statistical purposes.

Paper copies of applications are destroyed. The final decision on internal mobility is kept in the staff member's personal file.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS
15 days from receipt of justified legitimate request.

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

The Agency retains anonymous data for statistical purposes.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

N/A

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)**

The processing operation intended to evaluate personal aspects relating to the data subject, with a view to select, recruit interim agents and manage interim staff.

↑ Article 27.2.(c)

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

↑ Article 27.2.(d)

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

↑ Other (general concept in Article 27.1)

17/ COMMENTS

Annexes:

Annex 1.1: Specific Privacy Statement

Annex 1.2: Commission Guidelines for Mobility (SEC(2002)146)

Annex 1.3: Rules Governing Internal Mobility in the TEN-T EA

PLACE AND DATE: BRUSSELS 2/7/2013

DATA PROTECTION OFFICER: ZSÓFIA SZILVÁSSY

INSTITUTION OR BODY: TRANS-EUROPEAN TRANSPORT NETWORK EXECUTIVE AGENCY

