

*(To be filled out in the EDPS' office)*  
**REGISTER NUMBER: 1154**

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**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 31/10/2013**

**CASE NUMBER: 2013-1007**

**INSTITUTION: ECB**

**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

European Central Bank  
Director General Human Resources, Budget & Organisation  
Directorate General Human Resources, Budget & Organisation  
Kaiserstraße 29  
60311 Frankfurt am Main, Germany

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

Directorate General Human Resources, Budget & Organisation

3/ NAME OF THE PROCESSING

Selection of the Chair of the ECB Supervisory Board to be established as part of the Single Supervisory Mechanism (SSM)

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

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

The data processing operations relate to the evaluation of the suitability of candidates for the position as Chair of the ECB Supervisory Board.

The ECB is seeking through an open selection procedure a suitable candidate of recognised standing and experience in banking and financial matters.

The selection and appointment procedure will respect the principles of gender balance, experience and qualification.

The ECB will keep the European Parliament and the Council duly informed about the conduct of the procedure.

The procedure for the selection and appointment of the Chair will be conducted in accordance with the requirements laid down in Article 26 of (*draft*) Regulation (EU) No [•/2013] conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions<sup>3</sup> (the '**Regulation**') and the (*draft*) Inter-Institutional Agreement between the European Parliament and the ECB on the cooperation on procedures related to the Single Supervisory Mechanism<sup>4</sup>.

The procedure includes the following steps:

- Pre-selection** by the Pre-Selection Committee, supported by an executive search agency;
- Information of the European Parliament** on the pool of applicants (number of applications, mix of professional skills, gender and nationality balance, etc. but no names) and the short-list of candidates as endorsed by the Governing Council;
- Information of the Council** on the pool of applicants (number of applications, mix of professional skills, gender and nationality balance, etc. but no names) and through the provision of the short-list of candidates as endorsed by the Governing Council;
- Decision of the Governing Council** for one candidate and to be communicated to the European Parliament and the Council;
- Approval by the European Parliament** after public hearing;
- Appointment by the Council** by qualified majority and implementing decision.

The detailed procedure is described below:

### **Pre-selection**

The ECB Governing Council will set up a Pre-Selection Committee to assess the applications against the criteria laid down in the Vacancy Notice (**Appendix 1**). The Pre-Selection Committee will be composed of a member of the ECB Executive Board, two other members of the ECB Governing Council and two external members with considerable experience in financial markets.

Based on the assessment of the applications, the Pre-Selection Committee will meet suitable candidates and submit a short-list of suitable candidates to the ECB Governing Council for consideration with an assessment report.

The selection procedure will be supported by an executive search agency which will support the ECB in the selection process.

### **Information of the European Parliament**

The ECB will inform the competent committee of the European Parliament of the composition of the pool of applicants for the position of Chair (number of applications, mix of professional skills,

<sup>3</sup> This Regulation is expected to be adopted by the Council in the course of September 2013. OJ L [•].

<sup>4</sup> This Inter-Institutional Agreement is expected to be signed in the course of September 2013

gender and nationality balance, etc.) and provide it with the short-list of candidates as endorsed by the Governing Council.

### **Information of the Council**

The ECB will inform the Council of the composition of the pool of applicants for the position of Chair (number of applications, mix of professional skills, gender and nationality balance, etc.) and provide it with the short-list of candidates as endorsed by the Governing Council.

### **Proposal of the ECB Governing Council and approval of the European Parliament**

After hearing the Supervisory Board, the ECB Governing Council will submit a proposal for the appointment as Chair from the shortlist endorsed by the Governing Council to the European Parliament for approval, together with written explanations of the underlying considerations. For further details, reference is made to the draft Inter-Institutional Agreement.

### **Appointment by the Council**

Following the approval by the European Parliament of the proposal of the Governing Council, the Council will adopt an implementing decision to appoint the Chair. The Council will take this decision by qualified majority without taking into account the vote of the members of the Council which are not participating Member States of the SSM.

## 5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

The Chair of the Supervisory Board of the SSM shall be chosen 'from among individuals of recognised standing and experience in banking and financial matters who are not members of the Governing Council' (Article 26 (3) of the Regulation).

## 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 by the ECB may include the following:

- personal generic data (name, address, date of birth, gender, nationality);
- personal data provided by candidates potentially in the form of a CV, in particular demonstrating the candidate's compliance with the eligibility and selection criteria as laid down in the Vacancy notice (Section 3);
- data relating to the candidate's motivation for the position;
- assessment by the Pre-Selection Committee as regards eligibility of candidates, the matching of the candidates' profile with the selection criteria and their suitability;
- assessment and selection of the candidate from the submitted short-list of candidates by the Governing Council;
- relevant input provided by the executive search agency in relation to the selection process.

## 7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The Vacancy Notice contains the provision of information pursuant to Article 11 and 12 of EC Regulation 45/2001 (such as identity of controller, purpose, categories of the data, recipients of the

data, existence of the right of access and the right to rectify the data, legal basis of the processing operation) (Section 8 in particular).

The Privacy Notice (Section 8) included in the Vacancy Notice reads as follows:

***Privacy statement***

The ECB will process all personal information on candidates pursuant to Regulation (EC) No 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 and Decision ECB/2007/1 of 17 April 2007 adopting implementing rules concerning data protection at the ECB. This applies in particular to the confidentiality and security of such data.

The Director General Human Resources, Budget & Organisation shall be identified as controller for the processing of personal data related to the ECB's involvement in the selection procedure based on this Vacancy Notice.

The purpose of the processing is to organise the selection and appointment of the Chair of the Supervisory Board. All personal data shall be processed solely for this purpose.

Recipients of the personal data of the applicants shall be the members of the Pre-Selection Committee whose composition is indicated above and the members of the ECB Governing Council. Personal data of shortlisted candidates will be forwarded to the Supervisory Board, the European Parliament and the Council which are equally subject to Regulation (EC) 45/2001. Moreover, the ECB will transfer relevant personal data to the external search agency, which has been made subject to strict confidentiality and data protection standards.

The ECB may keep the data of the successful candidate for a period of five years as of the end of the term of office or as of the last pension payment. As to the non-successful candidates, the data will be kept for five years following the completion of the selection procedure. In case of legal dispute, the above retention periods will be extended for two years after completion of all relevant proceedings.

Candidates have a right to access their data and to update or correct their identification data. Data demonstrating compliance with the eligibility criteria and selection criteria may, however, not be updated or corrected after the closing date for this selection procedure in order to ensure compliance with the principles of equal access and non-discrimination and to warrant that the selection procedure is robust, transparent and fair for all candidates.

Candidates have a right to access their evaluation data throughout the procedure. To safeguard the confidentiality of the deliberations and decision-making of the Pre-Selection Committee and the Governing Council and to protect the rights and freedoms of the other candidates, the access of the candidates shall be restricted to their respective submissions in the procedure and to the parts of the assessment relating to them. Similar restrictions are applicable for the members of the Supervisory Board in relation to their consultative tasks in the selection of the Chair of the Supervisory Board.

Candidates are entitled to have 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)

Article 9 of the ECB Decision of 17 April 2007 adopting implementing rules concerning data protection at the ECB (ECB/2007/1) applies.

*“1. 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 of Regulation (EC) No 45/2001, as specified below.*

*(a) These rights may only be exercised by the data subject or their duly authorised representative. Such persons may exercise any of these rights free of charge.*

*(b) Requests to exercise these rights shall be addressed in writing to the relevant controller. The controller shall only grant the request if the requester’s identity and, if relevant, their entitlement to represent the data subject have been appropriately verified. The controller shall without delay inform the data subject in writing of whether or not the request has been accepted. If the request has been rejected, the controller shall include the grounds for the rejection.*

*(c) The controller shall, at any time within three calendar months of receipt of the request, grant access pursuant to Article 13 of Regulation (EC) No 45/2001 by enabling the data subject to consult these data on-site or to receive a copy thereof, according to the applicant’s preference.*

*(d) Data subjects may contact the DPO in the event that the controller does not respect either of the time limits in paragraphs (b) or (c). In the event of obvious abuse by a data subject in exercising their rights, the controller may refer the data subject to the DPO. If the case is referred to the DPO, the DPO will decide on the merits of the request and the appropriate follow-up. In the event of disagreement between the data subject and the controller, both parties shall have the right to consult the DPO”.*

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Data are processed by both automated and manual means.

Applications shall be submitted by courier/post to the ECB.

10/ STORAGE MEDIA OF DATA

The documents submitted by the applicants will consist of hard copies (i.e. paper files). The hard copies will be held in a secure and lockable filing cabinet in a secured area.

Documentation relating to the on-going selection procedure, e.g. the assessment report and short-list, will also be saved in a dedicated and restricted electronic workspace.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Regulation (EU) No [•/2013] conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions, in particular Article 26 (Appendix 2)

- Inter-Institutional Agreement (IIA) between European Parliament and ECB on the cooperation on procedures related to the Single Supervisory Mechanism (**Appendix 3**)
- the Vacancy Notice as approved by the ECB Governing Council

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

The main individuals involved in the selection procedure are the members of the Pre-Selection Committee, the Governing Council, the executive search agency, the European Parliament, and the Council.

The involvement of the Pre-Selection Committee, the Supervisory Board, the ECB Governing Council, the European Parliament and the Council constitutes a transfer of data which is in line with Article 7 of the Regulation 45/2001. The selection of the Supervisory Board Chair represents a legitimate task to be carried out by the ECB and the participation of the aforementioned EU institutions is necessary to comply with this task.

Furthermore, a very limited number of ECB staff members will provide support and perform administrative tasks in relation to the applications.

In line with the different steps of the selection procedure, the data might be disclosed to the above-mentioned recipients as follows:

**Pre-selection**

Composition of Pre-Selection Committee: a member of the ECB Executive Board, two other members of the Governing Council, two external members. The selection procedure will be supported by an executive search agency which will support the ECB in the selection process.

**Information of the European Parliament**

The members of the competent committee of the European Parliament will be informed about the pool of applicants (general data without names) and the short-list of candidates as endorsed by the Governing Council.

**Information of the Council**

The Council will be informed about the pool of applicants (general data without names) and provided with the short-list of candidates as endorsed by the Governing Council.

**Information to the Supervisory Board**

The Supervisory Board will be provided with the shortlist of candidates as endorsed by the Governing Council and heard by the Governing Council on its proposal for the appointment of the Chair of the Supervisory Board.

**Decision of the ECB Governing Council**

The Governing Council will select one candidate from the shortlist.

**Approval by the European Parliament**

According to the Inter-Institutional Agreement the ECB will convey the proposal for the Chair to the competent committee of the European Parliament accompanied by the main reasons underlying the selection decision to allow the European Parliament to decide on the approval of the candidate proposed by the ECB. The European Parliament will decide on the approval of the candidate

proposed by the ECB for the Chair through a vote in the competent Committee and in plenary session.

### **Appointment by the Council**

Following the approval by the European Parliament, the Council shall adopt an implementing decision to appoint the Chair.

In accordance with Article 7 of Regulation 45/2001, the data might be disclosed to the European Ombudsman, the European Data Protection Supervisor or the European Court of Justice in case of complaints, disputes or legal proceedings falling within their legitimate competence.

### 13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Five years following the selection procedure for unsuccessful applicants following the completion of the selection procedure.

Five years after the expiry of the end of the term of office or after the last pension payment for the successful candidate.

In case of a legal challenge, the above dates shall be extended until two years after completion of all relevant proceedings.

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

No specific time limits apply to the blocking or erasure of data on justified legitimate requests from the data subjects.

*(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.*

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 (*Please describe*):

AS FORESEEN IN:

Article 27.2.(b)

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

17/ COMMENTS

PLACE AND DATE:

DATA PROTECTION OFFICER:

INSTITUTION OR BODY: