

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1205

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 27/11/2013

CASE NUMBER: 2013-1334

INSTITUTION: EC DG HR

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

CONTROLLER : LEVEQUE MARTINE

E-MAIL: Martine.LEVEQUE@ec.europa.eu

DELEGATE : SCHUIJT JOGCHEM

E-MAIL: Jogchem.Schuijt@ec.europa.eu

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

THE EUROPEAN COMMISSION

DG HR - DIRECTORATE A.2

3/ NAME AND DESCRIPTION OF THE PROCESSING

NAME: Selection of candidates in order to establish a short-list for the position of the European Data Protection Supervisor and the position of the Assistant Supervisor.

In order to establish a short-list of suitable candidates for the positions of European Data Protection Supervisor and Assistant Supervisor which will be transmitted to the Appointing Authorities (European Parliament and Council of the European Union), the Commission collects, processes and stores data relating to candidates who apply for these positions.

¹ OJ L 8, 12.01.2001.

The data relate to:

1. the professional and personal profile of candidates (i.e. curriculum vitae and accompanying documents: motivation letter, copies of certificates, references, ...);
2. the results of evaluations during tests carried out externally at the request of the European Commission or during interviews at different stages of the selection process.

Data are submitted by candidates themselves with their curriculum vitae or are collected throughout the different stages of the selection process; they are handled by DG Human Resources and Security (DG HR), more specifically by Unit HR.A.2 - Executive Staff and CCA Secretariat, the pre-selection committee, the Consultative Committee on Appointments (CCA), who shall be assisted during the interviews by an external human resources consultants hired specifically by the European Commission, the Rapporteur for the procedure, the Secretariat General and the Members of the Commission for the adoption of the short-list.

Since the processing includes the evaluation of competences of data subjects, it is subject to prior checking by the European Data Protection Supervisor pursuant to article 27(2)(b).

The table in Annex describes the processing of data in the successive stages of the selection procedure and the data protection measures.

4/ PURPOSE OR PURPOSES OF THE PROCESSING, AND PROCESSORS

To organise and manage the selection process of the European Data Protection Supervisor and the Assistant Supervisor in order to allow the Commission to adopt a short-list of candidates best-suited for these positions to be transmitted to the Appointing Authorities (European Parliament and the Council of the European Union).

PROCESSORS:

Mercuri Urval AB

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Applicants for the position of the European Data Protection Supervisor and the Assistant Supervisor; candidates short-listed by the European Commission.

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

The following data fields are used:

- The curriculum vita of candidates, including their motivation letter and supporting documents, in particular:

- Surname, first name, date and place of birth, gender, nationality, telephone number, (e-mail) address;
- Education, university degree / diploma, date of award of degree, length of professional

experience, length and level of management experience;

- Languages (and level).

When filling out their profile in CV-Online, candidates will be asked whether they have previously worked for a European Institution and, if so, what their personnel number was. The reference to the personnel number is fully optional and candidates are not required to answer this question; any absence of an answer will have no consequences on their application.

- The assessment by the pre-selection committee as regards the eligibility of candidates, the matching of the application with the selection criteria and the performance during the interview(s);
- The performance of candidates during assessment centre tests / exercises as recorded by the external human resources consultant in a report made up for this specific purpose;
- The evaluation by the Consultative Committee on Appointments of candidates who have been invited for an interview;
- Information indicating which candidates have been pre-selected or short-listed.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Applicants are informed about the data protection rules with which the processing of their data has to comply via a “Privacy Statement” on the registration page for their application (see annex). Before registering their profile candidates have to explicitly take note of the data processing as explained in this “Privacy Statement”. Furthermore, registered candidates receive an automatic message confirming registration.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

- Candidates can change their data up to the end of the deadline for applications (cf. also response to point 7). After the deadline, they can request factual corrections by addressing themselves to the following address:
- Candidates can ask the Chair of the pre-selection committee for oral or written feedback regarding decisions taken by the pre-selection committee or on their performance during the interviews at this stage of the selection procedure.
- Candidates can ask for oral or written feedback regarding decisions taken by the Consultative Committee on Appointments or on their performance during the interviews at this stage of the selection procedure by addressing themselves to the Permanent Rapporteur of the CCA at the following address:
- Access to the evaluation sheets adopted by the CCA following the interviews: once the Appointing Authorities have taken a decision on the appointment of the European Data Protection Supervisor and the Assistant Supervisor, candidates can request a copy of their evaluation sheets by addressing themselves to the Permanent Rapporteur of the CCA.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Candidates are asked to submit their application through the EUROPA web-site into a database called CVONLINE Encadrement Supérieur, aimed at collecting structured CVs from the Internet. They have the possibility to access their file via the Internet throughout the whole selection procedure and they can modify their data or withdraw their application until the end of the deadline for submission of applications. Data relating to the candidates, including their CV's, motivation letters and the evaluation of their performance during the different stages of the selection process will be transmitted through electronic mail or through normal mail (see also attached table under point 3 - column: "processing").

10/ STORAGE MEDIA OF DATA

Selection files, including applications and evaluations of candidates, are stored electronically and physically (on paper).

- Electronic archives (including Outlook public folders) are only accessible to staff members of Unit HR.A.2.
- Paper archives are in a locked room.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- 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;

- Decision No 1247/2002/EC of the European Parliament, of the Council and of the Commission of 1 July 2002 on the regulations and general conditions governing the performance of the European Data-protection Supervisor's duties in Annex;

- Commission Decision of 6 February 2007 on the Rules of Procedure for the Consultative Committee on Appointments (C(2007)380/2) in Annex.

Lawfulness of processing is based on Recital 27 and Article 5.a of Regulation (EC) No 45/2001. Processing is necessary for the performance of a task carried out in the public interest on basis of the Treaties establishing the European Communities.

Since processing is intended to evaluate the ability of candidates, it is subject to a prior checking by the EDPS pursuant Art. 27(2) b) of Regulation (EC) No 45/2001.

Access to some documents containing comparative data on candidates might be restricted to protect the rights and freedoms of others (cf. Art. 20 (1) c) of Regulation (EC) No 45/2001.

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

See table annexed under point 3 (see column "Acces or recipient").

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Data entered in the CV-Online database will be kept for one year following the date of closure for applications. Data relating to the selection procedure itself will be kept by the European Commission for a period of five years or - in case of complaints - for full the time the proceedings might take plus one full year following the data a final decision has been taken.

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

Data can be blocked at the request of a data subject when a complaint is introduced in a time limit of one week after the request to allow the examination of the case by the responsible of the data treatment.

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.

N/A

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

N/A

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING

Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject

17/ COMMENTS

N/A

PLACE AND DATE: BRUXELLES, 26.11.2013

DATA PROTECTION OFFICER: RENAUDIÈRE PHILIPPE

INSTITUTION OR BODY: THE EUROPEAN COMMISSION