

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1304

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 18/05/2014

CASE NUMBER: 2015-0439

INSTITUTION: EMSA

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Head of Unit A.I, Human Resources and Internal Support (Cristina Romay Lopez)
Delegated controller: Lucy Urbanowski, Senior Human Resources Officer
EMSA
Praca Europa 4
1249-206 Lisbon

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

Unit A.I Human Resources and Internal Support

3/ NAME OF THE PROCESSING

Recruitment procedures: temporary staff under Article 2(f) of the CEOS (hereafter 2(f) temporary agents).

4/ PURPOSE OR PURPOSES OF THE PROCESSING

To recruit 2(f) temporary agents to work in EMSA following an external or an interagency publication.
To implement internal mobility with regard to 2(f) temporary agents following an internal publication.

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Internal or external applicants for the published positions following an internal, external or an interagency publication.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA

(including, if applicable, special categories of data (Article 10) and/or origin of data)

- Private and professional data, no special categories of data.

For internal publications, at present, the publication is published on the EMSA Intranet.

For interagency publications, a publication for the post is published on the website of the Agency and the link to the vacancy notice is sent to the Coordination of the Agencies to forward to all other Agencies for circulation to their staff members.

Applicants to an interagency publication complete their CV in Europass format and also provide a motivation letter.

For external publications, a publication for the post is published on the website of the Agency.

Applicants who wish to apply to an external publication complete their data in the e-recruitment tool to create an e-recruitment CV and also need to complete a section on their motivation for the post

For both the Europass CV in the case of interagency and internal publication and the e-recruitment CV in the case of external publication, the CV s contain the following information:

First name Family name Date of birth

Place and country of birth

Gender

Nationality

Private telephone number Work telephone number Mobile number

Email

Home address

Address for correspondence (if different from home address) Secondary and higher education

University or equivalent

Other education/training received

Knowledge of languages: level of English, other languages and level

Other skills and information:

For the Europass CV: computer skills, communication skills, organisational/managerial and job-related skills

For the e-recruitment CV: computer skills, periods spent abroad, security clearance

Professional experience: dates of employment, information concerning the current employer (notice period required, if the applicant has any objection to the Agency making enquiries of the present employer), employer information (name, address, type of business), Description of the position (title, number of employees under the applicant's supervision, place of employment, name and title of supervisor, detailed description of the applicant's work, languages used)

Motivation letter

Copy of education and work certificates for those attending an interview

Legal Entity and Financial Identity forms for those attending an interview and who have the right to reimbursement of travel and accommodation costs

In the future, for internal recruitment procedures, it is envisaged to use the My eProfile tool which has been developed internally by the Agency. The My eProfile contains the following data:

Personal data: will be automatically generated by HR (personal number, name, surname, unit, job title, grade, start date in current post) based on the information stored in the HR Central system.

Professional profile: Staff are responsible for entering this data and keeping it up to date:

- Education and Training.
- Work experience: Prior to working for EMSA and at EMSA.
- Languages: a list will be displayed; the level needs to be indicated.
- Knowledge: a list will be displayed.
- Skills and abilities: a list will be displayed. Open questions (voluntary):
- Are you interested in changing job?
- Which areas/job families/posts attract you and why? The list of Job families and Jobs that belong to each family will be displayed. It will also contain a link to the definition of each job family and some of the minimum requirements to perform a job.
- Do you think you could be of additional added value in any other particular area/task in the Agency?
- Comments (free field).

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

A disclaimer on data protection is included on the 'positions available' page of the EMSA website for when applicants apply to an external position. It is also shown when applicants apply for a position through the e-recruitment tool on the vacancies page:

Any personal data provided by the Applicant shall be processed pursuant to Regulation (BC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movements of such data. It shall be processed solely for the purposes of the recruitment exercise. The Applicant shall have the right of access to his/her personal data and the right to rectify any such data that is inaccurate or incomplete. Should the Applicant have any queries concerning the processing of his/her personal data, (s)he shall address them to the delegated controller of the data. Head of Human Resources section.

The Applicant shall have right of recourse at any time to the European Data Protection Supervisor. For more on personal data protection and related documents see the Personal Data Protection page.

Furthermore, under the 'Recruitment General Information' section applicants are informed of the following:

Data Protection

The purpose of processing of the data you submit is to manage your applications) in view of a possible pre-selection and recruitment at the Agency.

The Agency does not make public the names of successful candidates on reserve lists. However, it is possible that for the purposes of recruitment and related planning purposes, members of the Agency's management may have access to reserve lists and in specific cases, to the application form of a candidate (without supporting documents, which are kept in confidence by the Human Resources Unit). Application files are kept for five years from the establishment date of the reserve list after which time they are destroyed.

The personal information we request from you 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 EU institutions and bodies and on the free movement of such data.

For internal candidates, on the recruitment page of the EMSA Intranet, the following disclaimer appears:

Any personal data provided by EMSA staff members in relation to the operations performed by the Human Resources is processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movements of such data.

The staff members can have access to their data and can exercise their rights in relation to this data as provided in the Art. 13-20 of Regulation (BC) No 45/2001. For this reason they can address themselves to the Delegated Controller of the data. Head of Human Resources section.

The staff members can also access the notifications on the processing of personal data submitted by the Delegated Controller to the Data Protection Officer. The notifications are kept in a file in the DPO's office. The Data Subjects shall have right of recourse at any time to the European Data Protection Supervisor.

Detailed information concerning processing of personal data in specific human resources exercises can be found on the DPO page.

In the future, when the My E-profile tool is used for internal recruitment procedures, general information will be displayed on the recruitment page of the EMSA Intranet, as above for internal candidates.

A user manual with an explanation of how to fill in the eProfile database including all detailed information on access settings and with the Specific Privacy Statement is available to all staff on the EMSA intranet.

The specific Privacy Statement (published on the Intranet) informs the data subjects about the relevant data protection issues in detail and is annexed to this document.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS (Rights of access, to rectify, to block, to erase, to object)

Applicants can send EMSA an email through the e-recruitment tool or the recruitment mailbox to inform EMSA about any changes to the data that has already been introduced up until the call for applications closes. Once the call has closed only changes with regard to contact information can be requested and implemented. Only those HR. staff members working with recruitment have been granted access to this mailbox and the e-recruitment tool.

For internal publications using the My e-profile tool, staff will be encouraged to complete their eProfile and to keep it up to date. They remain in full control of the data at every moment. Staff are responsible for the quality of the data.

As regards internal and Interagency recruitment procedures the processing of data is manual:

A declaration of confidentiality and absence of conflict of interest is signed by the Selection Committee members. These are kept in the recruitment file which is locked away.

Candidates send an electronic version of their CV and motivation letter to the recruitment mailbox. Only HR. staff dealing with recruitment have access to this mailbox. An acknowledgement of receipt is sent to the candidate.

The HR staff member responsible for assisting the Selection Committee prepares a screening grid of the CVs received. This contains the gender, surname and name, address, date of birth and current post of the candidate, as well as the eligibility criteria (educational and number of years of professional experience needed), language requirement and a list of the selection criteria to be evaluated. He/she will also print the CVs.

Once the call has closed and the questions have been finalised the CVs of the candidates are given to the Selection Committee members with the screening grid.

The Selection Committee determine a list of candidates to invite to interview and a final screening grid is established, as well as minutes of the meeting. These are kept in the recruitment file.

The HR. staff member responsible for assisting the Selection Committee prepares and sends the invitation to interview manually. He/she will also prepare the files for the interviews which contain the CV and motivation letter of the candidate and the evaluation grid with the interview questions.

At the end of the interviews and after marking the written tests, the Selection Committee provides the HR staff member responsible for assisting with the procedure the final points and comments to be used on the evaluation grid of each candidate. Once finalised, these are circulated and signed by all of the members. Minutes of the meeting are also prepared. All of these documents are kept in the recruitment file.

A short-list is then put forward to the (AIPN) Executive Director, who takes the final decision on the recruitment procedure: to offer a post and /or establish a reserve list or to close the call as unsuccessful.

The decision of the (AJPN) Executive Director and the offer letter, reserve list and negative letters are prepared manually by the HR staff member responsible for assisting the Selection Committee. They are then sent out by this person.

For external procedures there is a mix of manual and automated operations:

A declaration of confidentiality and absence of conflict of interest is signed by the Selection Committee members. These are kept in the recruitment file.

Candidates complete their data in the e-recruitment tool. Only HR staff dealing with recruitment have access to this data.

An acknowledgement of receipt is sent by the tool to the candidate.

The HR staff member responsible for helping the Selection Committee prepares a screening grid of

the CVs received. This contains the gender, surname and name, address, date of birth, current post, eligibility criteria (educational and number of years of professional experience needed), language requirement and a list of the selection criteria to be evaluated. He/she will also print the CVs from the e-recruitment tool.

Once the call has closed and the questions to be asked at interview, including the written test, have been finalised, the CVs of the candidates are given to the Selection Committee members with the screening grid.

The Selection Committee determine-a list of candidates to invite to interview and a final screening grid is established, as well as minutes of the meeting. These are kept in the recruitment file.

The HR staff member responsible for assisting the Selection Committee prepares the invitations to interview in the e- recruitment tool and these are then sent by the tool. He/she will also prepare the files for the interviews which contain the CV and motivation letter of the candidate and the evaluation grid with the interview questions.

At the end of the interviews and after marking the written tests, the Selection Committee provides the HR staff member responsible for assisting with the procedure the final points and comments to be used on the evaluation grid of each candidate. Once finalised, these are circulated and signed by all of the members. Minutes of the meeting are also prepared. All of these documents are kept in the recruitment file.

The Selection Committee then provides the HR staff member responsible for assisting with the procedure the final points and comments to be used on the evaluation grid of each candidate. Once finalised, these are circulated and signed by all of the members. Minutes of the meeting are also prepared. All of these documents are kept in the recruitment file.

A short-list is then put forward to the (AIPN) Executive Director, who takes the final decision on the recruitment procedure: to offer a post and /or establish a reserve list or to close the call as unsuccessful.

The decision of the (AIPN) Executive Director and the offer letter, reserve list and negative letters for those candidates invited to an interview are prepared manually by the HR staff member responsible for helping the Selection Committee. They are then sent by this person. For candidates not invited to interview, the negative letters are sent by the e- recruitment tool.

No external contractors have been involved with this tool; it has been developed internally and will be maintained internally.

When My e-profile is used for internal publications, it will be a fully automated processing operation. There will be no manual processing.

No external contractors will be involved with this tool; it has been developed internally and will be maintained internally.

10/ STORAGE MEDIA OF DATA

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Decision of the Administrative Board of 25 March 2015 laying down general provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union.

The Staff Regulations of Officials (SR) and the Conditions of Employment of Other Servants of the European Economic Community (CEOS) and the European Atomic Energy Community, laid down by Council Regulation (BEC, EURATOM, ECSC) No 259/68, last amended by Regulation (BC, EURATOM) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 and in particular Articles 27-34 (SR), and Articles 12-15 and 82-84 of the CEOS.

Council Regulation (CE) N° 1406/2002 of 27 June 2002, as amended and in particular Article 6. The processing is in accordance with Art. 5(a) and 5(d) of the Regulation No 45/2001.

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

The staff members in the Human Resources Sector who assist the Selection Committee with a particular recruitment procedure.

HR staff members dealing with recruitment have already signed a declaration of confidentiality.

Members of the Selection Committee

The Head of Unit A.1 and the Head of Department 'Corporate Services' when a procedure is closed and prior to offering any post, in order to ensure consistency of the file and to ensure that the rules have been respected.

The Legal Officer of Unit A.1 in the case of appeal and complaints

The Executive Director as Appointing Authority.

Should the applicant be placed on a reserve list and a similar vacancy arise within the Agency, the Head of Unit and or Head of Department of the recruiting unit/department can have access to the CV and the results of the evaluation of the applicant to see whether the applicant is suitable.

In very exceptional circumstances, in the event of a technical problem with the e-recruitment tool, intervention from specialised members of the ICT Unit may be required.

In the context of internal recruitment, staff will have access to the eProfile and its specific privacy statement via the intranet of the Agency, as well as a link to Regulation 45/2001.

Staff having access to the tool will sign a declaration of confidentiality where it will be clearly stated that they should not disclose any of the information on individual staff members to other staff members that have no rights to access the data. Print outs of the staff profiles will have a note at the top of the page instructing the users about the obligation to use the data solely for the specific purpose of the search at a specific moment.

The most substantive part of the data is introduced by the Data Subjects who are responsible for the quality of the data

and hence for the verification and correction of the data.

The application keeps a record of users access logs and changes, including: username, date of access, and date of last changes/updates. However, this information will not be accessed and neither consulted, it will simply be stored in one of the EMSA's servers allocated to HR for this purpose.

Who has access:

Management (ED, HoD, HoU, Policy Advisor): to all eProfiles and to the search tool

Reason: to have information to help in decision making (personnel policy, strategy and optimal use and deployment of human resources) and to manage human capital within their own Unit as well. Given the size of the Agency (nearly 250 staff) and in order that the database brings real added value, it is important that managers have access to all profiles available in the database.

HR staff dealing with career matters (Senior Project Officer for HR, Career Guidance Officer, Administrative Assistant for Training, HR Administrative Assistant(s)): to all eProfiles and to the search tool

Reason: to assist management in the implementation of personnel, redeployment, mobility and training policies. To implement the internal recruitment procedure. To assist staff in providing career guidance.

IT support staff designated for this purpose and the Webmaster: access to the application and the server

Reason: to maintain and develop the application from a technical point of view

- Staff members: to their own profile, they can update or delete the data at any moment. Reason: they are the owners of their profile

- In the future: members of a Selection Board will have access to the eProfiles of the staff that have applied to the vacancy: it should be noted that currently members of a Selection Board have access to the CV of applicants as described in the relevant rules for recruitment.

Reason: to evaluate and compare candidates they need to have access to the data

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS (Please, specify the time limits for every category, if applicable)

For erasing:

For documents relating to the recruitment of selected staff members: 10 years as of the termination of employment or as of the last pension payment.

For documents relating to HR selection procedures and unsuccessful applications: 2 years from the expiry of the reserve list. Should the reserve list be extended, then the two year retention period would start again, from the date of the extension.

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 (*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,)

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

PLACE AND DATE: LISBON, PORTUGAL, 18/05/2015

DATA PROTECTION OFFICER: MALGORZATA NESTEROWICZ

INSTITUTION OR BODY: EMSA