

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1307

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 28/05/2015

CASE NUMBER: 2015-0463

INSTITUTION: COUNCIL OF THE EUROPEAN UNION

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Council of the European Union

INTERNAL CONTROLLER

Kaessner Ralph
Fundamental Rights, Data Protection and Drug Policy
+32 22819422

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

DGD2C +32 22819422

3/ NAME OF THE PROCESSING

Pre-selection procedures for the post of the Director for the European Union Agency for Fundamental Rights

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose is to enable Council and its preparatory bodies to prepare an opinion with an order of merit on the shortlist of candidates for the post of the Director for the European Union Agency for Fundamental Rights

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Any person shortlisted by the Commission

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

All personal data included in the individual CVs and possible background papers, questions from the Council and replies from applicants, opinion given by the Council.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Information notice to data subjects (to be provided to all candidates shortlisted).

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

Procedures for safeguarding the data subjects' rights are those provided for in Section 5 of Council Decision 2004/644/EC. For any request to exercise rights, an acknowledgement of receipt will be sent within five working days and the reply will be sent no later than 15 working days of the date of receipt of that request. The deadline for the correction, blocking or deletion of data may not exceed 10 working days, with the period starting only from the date the final decision is taken on the request to modify, block or erase data (an administrative decision taken by the GSC or, in the event of dispute, a decision taken by the European Data Protection Supervisor or the competent court)

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Council is to give its opinion on the list drawn up by the Commission on the candidates for the post of the Director for the European Union Agency for Fundamental Rights. This comprises distribution to and review by the Council and its preparatory bodies of data concerning the candidates as proposed by the Commission
Mixed processing

10/ STORAGE MEDIA OF DATA

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Article 15 of Council Regulation No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights

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

- i) GSC officials involved in the handling of the procedure within the Council's preparatory groups (Cabinet, DG D, Council Legal Service),
- ii) Member States' delegations participating in the ANTICI Group and COREPER II,
- iii) Any further delegate in the Permanent Representations or in the relevant Ministries in EU Member States (if considered appropriate by the Council's preparatory bodies.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The data concerning the candidates will be kept for a period of one year. Data concerning candidates shortlisted but not nominated shall be destroyed three months after the appointment of the Director

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)

See point 8

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.

In accordance with Council Regulation (EC, EURATOM) No 1700/2003 and CP 54/13, the data found relevant for evidential historical use might be kept for a longer period of time as a basis.

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

The data are not intended to be transferred to third countries or international organisations.

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,)

The Council presents its order of merit and submits it to the Management Board of the Agency. The European Parliament will also present its opinion. The final result could be different from that proposed by the Council.

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)

Article 27.2.(b)

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

17/ COMMENTS

PLACE AND DATE: Brussels, 28 May 2015

DATA PROTECTION OFFICER: Carmen López Ruiz

INSTITUTION OR BODY: Council of the European Union