

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1313

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 22/06/2015

CASE NUMBER: 2015-0535

INSTITUTION: EFSA

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 Human Capital & Knowledge Management Unit (HUCAP)

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

Head of HUCAP Unit and HUCAP Unit staff

3/ NAME OF THE PROCESSING

Engagement and use of temporary staff under Article 2(f) of the CEOS *(complementing and amending previous DPO notifications prior checked by EDPS in case n° 2009-0287 and case n° 2013-1396)*

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose of the data processing is to implement the Decision of the EFSA Management Board of 18 June 2015 laying down general implementation provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the CEOS.

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

- All candidates submitting an application for a position of Temporary agent at EFSA
- EFSA Temporary agents in internal mobility
- Temporary agents in mobility between Union agencies

For other statutory staff categories employed at EFSA (officials, contract agents and seconded national experts), existing processes and data protection notifications remain valid until further notice

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA

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

The description of data categories provided in the context of notification case 2009-0287 and notification case 2013-1396 remain *mutatis mutandis* valid, including:

- For external selections: the use of the EFSA standard job application form and forms used by the HUCAP Unit and the Selection Board
- For internal mobility: information on career development plan of jobholders in the EFSA Performance Dialogue tool

In addition, by means of the EFSA Management Board Decision of 18/06/2015 **an order of priority has been established between the different means of temporary staff engagement**, namely: reassignment in the interest of the service (article 3), internal publication of a post (article 4-6), filling a post by means of mobility between Union agencies (article 7-10) and external selection (article 11-15)

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

- For external selections: the specific Privacy Statement concerning the EFSA staff recruitment available on the EFSA website remains valid (<http://www.efsa.europa.eu/en/aboutefsa/docs/dataprotection.pdf>)
- For internal mobility: the specific Privacy Statement concerning the processing of personal data by EFSA in the context of internal staff transfers is available on the relevant page of the EFSA Intranet Portal.
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8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

The information on the way data subjects can exercise their rights is provided in the preceding DPO notifications for staff selection and recruitment procedures (EDPS prior checking case nr 2009-0287) and concerning transfers in the interest of the service (EDPS prior checking case nr 2013-1396).

9/ AUTOMATED / MANUAL PROCESSING OPERATION

- For external selections: continued use of the on-line system
- For internal mobility: information on career development plan of jobholders in performance

dialogue electronic tool

10/ STORAGE MEDIA OF DATA

Information on storage media is provided in previous DPO notifications for staff selection and recruitment procedures (EDPS prior checking case nr 2009-0287) and transfers in the interest of the service (EDPS prior checking case nr 2013-1396).

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- The Staff Regulations of Officials and the Conditions of Employment of Other Servants ;
- The Decision of the EFSA Management Board laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the CEOS, adopted on 18/06/2015.

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

Information on data recipients is provided in the resp. DPO notifications for staff selection and recruitment procedures (EDPS prior checking case nr 2009-0287) and transfers in the interest of the service (EDPS prior checking case nr 2013-1396).

Addition with regard to the appointed members of staff recruitment Selection Boards at EFSA:

As a follow-up to an EU Ombudsman 'own initiative', in 2014 EFSA introduced a practise of publishing names of appointed members of the Selection Board in the relevant page of the EFSA website at a specific stage in the recruitment procedure. The issue is dealt with in a separate DPO notification (art. 25) 'Appointed members of staff recruitment Selection Boards at EFSA'.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Unchanged compared to previous notifications (EDPS prior checking case nr 2009-0287 and 2013-1396)

Addition with regard to the collection of the criminal record, police record or certificate of good conduct:

In line with the Staff Regulations, which refers to this type of documentary evidence as a condition for external recruitment and taking into account the nature of these documents, being a snapshot at the moment of issuing, EFSA returns the criminal record extracts to the persons concerned immediately after the relevant recruitment procedure is closed. The fact that the screening took place as part of the staff recruitment process is documented in a signed acknowledgement of receipt form inserted in the personal file of the newly recruited staff member in question.

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)

Data subjects can exercise their rights at any time by contacting the Head of HUCAP Unit. Justified requests for blocking and erasure will be handled within 5 working days.

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES <i>(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)</i>
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 <i>(Please describe)</i>
AS FORESEEN IN: <input type="checkbox"/> Article 27.2.(a) <i>(Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,)</i> <input checked="" type="checkbox"/> Article 27.2.(b) <i>(Processing operations intended to evaluate personal aspects relating to the data subject,)</i> <input type="checkbox"/> Article 27.2.(c) <i>(Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,)</i> <input type="checkbox"/> Article 27.2.(d) <i>(Processing operations for the purpose of excluding individuals from a right, benefit or contract)</i> <input checked="" type="checkbox"/> Other (general concept in Article 27.1)

17/ COMMENTS
N/A

PLACE AND DATE: PARMA, ITALY, 19/06/2015

DATA PROTECTION OFFICER: CLAUD REUNIS

INSTITUTION OR BODY: EFSA

Supporting documents:

Annex I – Decision of the Management Board laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the CEOS, adopted by the EFSA Management Board on 18/06/2015 *(draft)*

Annex II – Art. 25 Notification of the controller to the DPO