

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1316

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 29/06/2015

CASE NUMBER: 2015-0562

INSTITUTION: EU-OSHA

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

EU-OSHA
Santiago de Compostela 12
48009 Bilbao (Spain)

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

HR Section
Confidential counsellors

3/ NAME OF THE PROCESSING

Selection and appointment of the confidential counsellors.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Personal information is collected and processed for the purpose of selecting confidential counsellors at the Agency, in order to ensure a proper implementation of EU-OSHA policy on building and maintaining a working culture based on dignity and respect.

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Staff members of EU-OSHA who express their interest in being selected and appointed as confidential counsellors.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA

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

- Identification data of the candidates, i.e. first name, last name, date and place of birth, gender;
- Information provided by the candidates to verify whether he/she fulfils the eligibility and selection criteria laid down in the call for expression of interest;
- Other information provided voluntarily by the candidate, including sensitive data (sexual orientation, health, political and religious belief, etc.).

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

- The data subject's rights can be restricted in the cases foreseen by Article 20 (1) (c) of Regulation (EC) N. 45/2001 – when a restriction is necessary for the prevention, investigation, detection and prosecution of criminal offences or for the protection of the rights and freedom of others;
- The data subject whose rights are restricted shall be informed of the reasons for such restrictions and of his/her right to recourse to the EDPS, as foreseen by Article 20.3, and obtain indirect access, as provided by Article 20.4 of Regulation (EC) N. 45/2001. Both provisions can be deferred in order to protect the alleged victim, as foreseen by Article 20.5 of Regulation (EC) N.45/2001.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

- Candidates have the right to access, rectify, block, erase at any time their identification, factual and objective data in the cases foreseen by Articles 13,14,15 16 of Regulation (EC) N. 45/2001 and to object about their processing in the cases foreseen by Article 18. They can exercise their right by submitting a request by email at the functional inbox;
- Regarding data demonstrating compliance with the eligibility and selection criteria, the right of rectification can be exerted only before the deadline for the submission of applications for the selection procedure;
- The rights of access and rectification do not apply as regards the appreciations done by the members of the selection committee.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The processing operation is done manually and electronically.

10/ STORAGE MEDIA OF DATA

The electronic applications and the documents of the Selection Committee are filed in the HR section folders with restricted access. The paper documents of the selection procedure are kept in safely closed cupboards in the HR Section.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Articles 1 and 31 (1) of the EU Charter of Fundamental Rights;
 - Staff Regulations of Officials (SR), in particular Article 12, 12a, 24, 86 and Article 9 of Annex IX and Articles 11 and 81 of the Conditions of Employment of Other Servants (CEOS).
 - Council Regulation (EC) No 2062/34 of 18/07/1994 establishing the European Agency for Safety and Health at Work;
 - Decision of the Commission C(2006)1624/3 of 26 April 2006 relating to the policy concerning the protection of the dignity of the person and the fight against psychological and sexual harassment at the European Commission;
 - Decision of the Governing Board of xx/xx/xxxx on the EU-OSHA Policy on Building and Maintaining a Working Culture based on Dignity and Respect.
- The lawfulness of the processing is based on Article 5(a), (d) and (e) of Regulation (EC) N° 45/2001 of the European Parliament and 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 (hereinafter, Regulation (EC) N. 45/2001).

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

- HR Section (staff in charge of selection procedure);
- Members of the Selection Committee.
- Appointing Authority (Director);
- Internal Audit Service, Court of Auditors, the European Ombudsman, the Civil Service Tribunal and the EDPS.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Documents related to successful candidates (appointed candidates and candidates on the reserve list):

- The documents related to the selection procedure are stored until the end of the term of office (2 years);
- The appointment letter as confidential counsellor is stored in the appointed candidates' personal files. Personal files are stored until 8 years after the extinction of his/her rights.

Documents related to unsuccessful candidates:

- The documents related to the selection procedure will be destroyed one year after the end of the Selection Committee's proceedings starting from the date on which the committee ends its work, i.e., the dates of the minutes.

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)

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

Annex 1: Privacy statement on the selection of confidential counsellors.

PLACE AND DATE: BILBAO, SPAIN, 29 JUNE 2015

DATA PROTECTION OFFICER: MICHAELA SEIFERT

INSTITUTION OR BODY: EU-OSHA