

*(To be filled out in the EDPS' office)*

**REGISTER NUMBER: 1320**

*(To be filled out in the EDPS' office)*

**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 30/07/2015**

**CASE NUMBER: 2015-0635**

**INSTITUTION: EU-LISA**

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

**INFORMATION TO BE GIVEN<sup>2</sup>**

1/ NAME AND ADDRESS OF THE CONTROLLER

Daiva Vilkelyte, Head of Human Resources Training Unit

[daiva.vilkelyte@eulisa.europa.eu](mailto:daiva.vilkelyte@eulisa.europa.eu)

eu-LISA,

European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

EU House

Rävala pst 4

10143 Tallinn, Estonia

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

Same Unit as controller

3/ NAME OF THE PROCESSING

Recruitment

4/ PURPOSE OR PURPOSES OF THE PROCESSING

eu-LISA HRTU shall follow recruitment and selection procedure according to Staff Regulations (SR) and CEOS as well as related implementing rules in order to fill in the vacancy post within eu-

<sup>1</sup> OJ L 8, 12.01.2001.

<sup>2</sup> **Please attach all necessary backup documents**

LISA. The purpose of processing personal data is to enable selection procedures.

Information from staff in the form of application, arrangement of pre-recruitment medical check-up, eligibility check-list and declaration of confidentiality is submitted by applicants via e-mail to HRTU functional mailbox.

The selection procedure is conducted under the responsibility of the eu-LISA's Human Resources and Training Unit. The information provided by the applicants is accessible to a strictly limited number of staff members of HRTU, to the Selection Committee, and, if necessary, to the Security and/or Legal Officer of eu-LISA. Documents provided to HR Assistant in Strasbourg are first sent by scan and afterwards the originals are sent via DHL to Tallinn.

#### 5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Candidates for permanent staff, temporary agents, national experts, trainees of eu-LISA

#### 6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA

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

The data collected from the applicants is enclosed in the Annex III "Recruitment - Standard Application Form.doc".

The data collected from the applicants selected for interviews, for reimbursement of the travel expenses is enclosed in the Annex IV of this notification "Recruitment - Travel Expenses Form"

#### 7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The application forms include a privacy notice (please see in annex related to the Application Form).

The eu-LISA website displays a data protection notice available at <http://www.eulisa.europa.eu/JobOpportunities/Pages/Data-Protection.aspx> with the following information:

eu-LISA ensures that applicants' personal data are processed in accordance with Regulation (EC) No 45/2001 hereinafter the Regulation. eu-LISA will not return applications to applicants. Further to Article 11 and Article 12 of this Regulation, eu-LISA provides the applicants the following information:

- The Controller is HRT Unit of eu-LISA
- The purpose of the processing is to recruit eu-LISA staff, trainees and SNE.
- The data will be used only for that processing as the relevant documents necessary to achieve the recruitment
- The recipients of the data are:
  - HRT Unit staff related with the recruitment process
  - The selection Committee
  - Executive director
  - Security and/or Legal officer of eu-LISA;
  - External supervisory instances acting under their supervision powers;
- All applicants may exercise their right of access to and right to rectify personal data. In the

case of identification data, applicants can rectify those data at any time during the procedure.

- In the case of data related to the admissibility criteria, the right of rectification cannot be exercised after the closing date of candidatures' submission. Substantiated requests should be e-mailed to the Human resources and Training Unit at [eulisa-RECRUITMENT@eulisa.europa.eu](mailto:eulisa-RECRUITMENT@eulisa.europa.eu).
- The legal basis of this processing operation is Article 29 of the staff Regulation.
- The answers provided by the applicants in the fields marked as optional will not be taken into account to access their merits.
- The processing begins on the date of receipt of the application.
- The Retention data storage policy is as follows:
  - for applications received but not selected: the paper dossiers are filed and stored in archives for 2 years after which time they are destroyed;
  - for applicants placed on a reserve list but not recruited: data are kept for the period of validity of the reserve list + 1 year after which time they are destroyed;
  - for recruited applicants: data are kept for a period of 10 years as of the termination of employment or as of the last pension payment after which time they are destroyed.
  - The financial data related to the selection procedure interviews reimbursement is kept for a period of 5 years required by the Financial Regulation;
- The applicant has the right to have recourse at any time to the eu-LISA's Data Protection Officer, [dpo@eulisa.europa.eu](mailto:dpo@eulisa.europa.eu) or to the European Data Protection Supervisor [edps@edps.europa.eu](mailto:edps@edps.europa.eu)

#### 8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

All applicants may exercise their right of access to and right to rectify personal data. In the case of identification data, applicants can rectify the data at any time during the procedure. In the case of data related to the admissibility criteria, the right of rectification cannot be exercised after the closing date of applications' submission (from the vacancy notice).

The time establish to comply with the requests is:

- Access within 3 months
- To rectify according to the previous statement, immediately;
- For blocking/ erasure/objection, in a case-by-case analysis but within one month.

In case of request for access by the applicants, this is provided upon request to the: evaluation sheets drawn by the selection board and the final decision on the selection board and to the minutes of the selection board. Restrictions may apply on grounds for safeguarding the confidentiality of other candidates and Selection Committee.

#### 9/ AUTOMATED / MANUAL PROCESSING OPERATION

Recruitment process is carried out in the following way (the recruitment process is enclosed in the Annex I of this note):

- A vacancy is published on the eu-LISA website [www.eulisa.europa.eu](http://www.eulisa.europa.eu) with the particular deadline for applications.
- The same information is share with the ESPO service website for broader outreach [www.epso.eu](http://www.epso.eu)
- The applicant is required to fill the application form (sample enclosed in the Annex II of this note).
- The selection procedure is conducted under the responsibility of the chairman of the

Selection Committee and with the assistance of the HRTU. The HRTU checks, whether the applicants meet the eligibility requirements, and provides view only access to the Selection Committee to the eligible applications in order to rate and select the best suitable candidates for interviews, based on the data entered in the application forms.

- A second screening exercise is carried out by the Selection Committee during the interviews and the individual evaluations of the members of Selection Committee are averaged by the secretary of the selection procedure (staff member of the HRTU).
- Based on the merit, highest scoring candidates are placed on the reserve list that is proposed for the Appointing Authority for the selection for an additional interview or an appointment decision.
- After the completion of a second round of the interviews by the Appointing Authority, the job offer is issued to the best qualified candidate.
- When the job offer is submitted to the selected candidate and is accepted, the selected candidate is required to undergo through the medical screening process. Arrangement for the medical check-up and the receipt of the medical opinion on the candidates suitability for service is carried out by the designated member of the HRTU as well as the verification of the originals of documents according to the eligibility checklist, such as absence of the criminal record, completion of the military service and original certificates proving the education and work record of the applicant as stated in the application form.
- Declarations of confidentiality prior to the recruitment process are signed by all members of the Selection Committee, collected and filed in the recruitment folder by the staff member of HRTU. Correspondence with the applicant is carried out via the functional mailbox administered by the HRTU: [eulisaRECRUITMENT@eulisa.europa.eu](mailto:eulisaRECRUITMENT@eulisa.europa.eu)
- The information provided by the applicants is accessible to a strictly limited number of staff members of HRTU, to the Selection Committee, and, if necessary, to the Security and/or Legal Officer of eu-LISA. Documents provided to HR Assistant in Strasbourg are first sent by scan and afterwards the originals are sent via DHL to Tallinn.

#### 10/ STORAGE MEDIA OF DATA

Recruitment related documents are stored electronically in `Recruitment Restricted` as well as in paper files stored in archive with limited access, communication is kept also for records in e-mails. In Strasbourg during the processing the information is stored in a filing cupboard with a lock. Originals are sent via DHL in secure envelopes.

#### 11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Article 5(a) of the Regulation 45/2001.

- Title I Articles 4-5, Title III Chapter 1 Articles 27-33, Annex I Section A, Annex III Articles 1- 6 of SR, Title I Chapter 3 Articles 12-15, Title IV Chapter 3 Articles 82-84 of CEOS,
- Medical Check-up qualified opinion according to Article 28(e) and Article 33 of the staff Regulations and Article 12(d) and 13 of the CEOS
- eu-LISA Implementing Rule on SNES MB Decision 2012-15, 28.06.2012 (ANNEX II)
- Article 7 of the eu-LISA's Internship Policy, (ANNEX III).

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

The information provided by the applicants is accessible to a strictly limited number of staff members of HRTU, to the Selection Committee, and, if necessary, to the Security and/or Legal Officer of eu-LISA, external supervisory instances, e.g. European Court of Auditors, Internal Audit Service, European Ombudsman, Office Européen de Lutte Anti-Fraude (OLAF).

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Data storage policy is as follows:

- for applications received but not selected: the paper dossiers are filed and stored in archives for 2 years after which time they are destroyed;
- for applicants placed on a reserve list but not recruited: data are kept for the period of validity of the reserve list + 1 year after which time they are destroyed;
- for recruited applicants: data are kept for a period of 10 years as of the termination of employment or as of the last pension payment after which time they are destroyed;
- for applications received in response to the open calls for internship opportunities for a period no longer than 2 years from the date of receipt of the application. Beyond this period, aggregate and anonymous data on internship applications will be kept only for statistical purposes.

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 blocking/ erasure/objection, in a case-by-case analysis but within one month.

When the data subject contests the accuracy of his/her data, the data is blocked for a period enabling the controller to verify the accuracy, including completeness of the data. Then an assessment is made within a period of one month.

When a request for blocking or objection is made on the grounds of unlawful processing or for the purpose of proof, the controller will need some time to make the assessment before issuing a decision to block or on an objection for processing the data. The assessment is made in a period of one month.

When there is a request for deletion, this is promptly done, with exception on the data required to produce evidence with financial transactions. This data will be kept for a period of 5 years.

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)*

According to the eu-LISA's Internship Policy (Article 7), retention of data on applications received from potential interns in response to open internship opportunities calls by the eu-LISA respects Regulation (EC) No 45/2001 of 18, December 2000 regarding personal data, whether the applications were successful or unsuccessful or withdrawn. The eu-LISA retains applicants' files for no longer than 2 years from the date of receipt of the application. Beyond this period, aggregate and anonymous data on internship applications will be kept only for statistical purposes.

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

NOT APPLICABLE

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,)*

The article 27(2)(a) is applicable taking to account that the processing operation receives information related with criminal convictions (the criminal certificate from the national authority from which the applicant is originated from is a requirement) as also the medical certificate of fitness to perform the job.

Article 27.2.(b)

*(Processing operations intended to evaluate personal aspects relating to the data subject,)*

The Article 27(2)(b) states that processing operations “*processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct.*” And since the purpose established by the processing operation is clearly addressed to the evaluation of the applicants ability to perform the job functions for which the selection and recruitment procedures have been organised.

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

The processing operation entrusted to eu-LISA started on the 1st October 2012, this is an ex-post prior checking.

The processing operation was aligned in order to take into account the EDPS guidelines on staff recruitment.

The processing operation was initially carried out by the Commission, before the Agency took ownership of the process, with the transfer of files from the DG-Home in the beginning of 2013 and the receipt of financial autonomy from the Commission on 22 May, 2013.

Attached relevant documentation:

Annex I - Recruitment - Recruitment Processes

Annex II eu-LISA Implementing Rule on SNEs

Annex III Internship Policy of eu-LISA

Annex IV Standard Application Form in Response to Vacancy Announcement for the Employment

at eu-LISA

Annex V Standard Application Form in Response to the Open Call for Internship Opportunities at eu-LISA

Annex VI - Recruitment - Travel Expenses Form

Annex VII Legal Entity Form for Candidates' Payment Requests

Annex VIII Notification of Personal Data Processing Operation to DPO

Annex XIX Opinion note by eu-LISA DPO

PLACE AND DATE: TALLINN, 30TH JULY 2015

DATA PROTECTION OFFICER: FERNANDO SILVA

INSTITUTION OR BODY: EU-LISA, LARGE INFORMATION SYSTEMS AGENCY