

REGISTER NUMBER: 1390

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 02/09/2016
Case number: 2016-0770
Institution: EEAS
Legal basis: article 27-5 of the regulation CE 45/2001(1)

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and address of the controller

Controller
European External Action Service (EEAS)

Directorate/Division responsible for managing the personal data processing operation:
BA.HR.2 Selection and Recruitment
Former MDR C.3 Selection and Recruitment of Contract Agents, SNEs, Junior Experts in Delegation and Trainees

At the time of the notification – in charge of the management of personal data processing:
Diego Mellado Pascua
Head of Division - Selection and Recruitment
EEAS PARC 07/271

Contact person/team delegated for managing the processing operation: Monika Solis, Head of Sector, EEAS
JOY 07/531

Co-controller
EU Delegation of each specific third country and international organisation

2/ Organisational parts of the institution or body entrusted with the processing of personal data
EEAS BA.HR.2

3/ Name of the processing

Selection, recruitment and administrative management of contract agents (CAs) in EU Delegations

4/ Purpose or purposes of the processing

The purpose of the data processing operation is to manage selection procedures, recruitment and administrative procedures for contract agents in EU Delegations.

5/ Description of the category or categories of data subjects

Data are processed from the following individuals or group of people:

I. EEAS contract agents in EU Delegations and candidates for contract agents' posts in EU Delegations.

II. Members of the selection panels.

6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)

Data processed are the following:

I. Data processed from the contract agent:

Full Name

Address

Gender

Date and place of Birth

Nationality

ID

Personal Number

Status

Current place of assignment (if applicable)

Duration of contract

Future place of assignment

Data regarding professional experience, qualifications and skills, including CVs and motivational statements

Results of the Interview/ selection panel reports

II. Data processed from the Head of Delegation, Head of Section, Head of Administration, Panel Secretary and the Staff Representative included in the report from the selection panel:

Name

Last Name

Service/Function

7/ Information to be given to data subjects

A Privacy Statement linked to this Notification is sent to the concerned Data Subject(s).

This Privacy Statement is available on the intranet ? EEASzone as well as on the website of the EEAS:

<http://intragate.ec.europa.eu/eeas/eeaszone/?q=node/57724>

EEASzone - under ADMINISTRATION > CONTRACT AGENTS > REGULATIONS

EEAS website: http://eeas.europa.eu/jobs/delegations/contract-agent-delegations/index_en.htm EEAS website:
http://eeas.europa.eu/jobs/delegations/contract-agent-delegations/index_en.htm

8/ Procedures to grant rights of data subjects (*rights of access, to rectify, to block, to erase, to object*)

Data subjects have the right to access their personal data and the right to correct any inaccurate or incomplete personal data, as well as to request the removal of their personal data, after the request has been deemed legitimate. If the data subject has any queries concerning the processing of his/her personal data, s/he may address them to the data controller at the following functional mailbox: selection-and-recruitment@eeas.europa.eu

EU Delegations may include the functional mailbox (FMB) of the Delegation in the Privacy Statement regarding this processing operation (mentioned under point 7). In order to find the relevant FMB, please see the privacy statement used by the particular EU Delegation.

9/ Automated / Manual processing operation

Data are collected manually and automatically through electronic means. The manual process is supported by IT applications, namely SYSPER2 and the EPSO CAST database.

10/ Storage media of data

Electronic archives:

Outlook: folders only accessible to staff members of BA.HR.2

Drive Y "Groupe Share" only accessible to staff members of BA.HR.2

SYSPER 2: personal data stored and accessible to staff members involved in the management of contract agents files

ARES: only accessible to staff members involved in the management of contract agents files

Paper archives:

The information is kept both at HQ (BA.HR.2) and in EU Delegations, in locked cupboards or in locked Archives room. The originals of the minutes and of the documentation must be kept in the Delegation.

11/ Legal basis and lawfulness of the processing operation

Good administration practices in the framework of the Treaty of Lisbon and the Council Decision of 26 July 2010 establishing the organisation and functioning of the EEAS (2010/427/EU).

Conditions of Employment of Other Servants (CEOS/"RAA"): articles 79 and 80, 82 to 87 and 119.

Decision of the High Representative of the European Union for Foreign Affairs and Security Policy of 22 November 2011 on general implementing provisions (GIPs) for giving effect to the Staff Regulations and to the CEOS.PROC HR(2011)013.

General Implementing Provisions on the procedures governing the engagement and the use of contract staff at the Commission C(2011)1264 final, 2 March 2011

Commission Decision of 16 December 2013 C (2013)8967 final amending the GIPS.

Commission Decision of 16 December 2013 (2013)9054 final on measures concerning leave on personal grounds for

Decisions concerning the Mobility for EEAS Contract Agents in the Delegations of the European Union and the Implementing Guidelines.

12/ The recipients or categories of recipient to whom the data might be disclosed
Delegations: Head of Delegation, Head of Administration

BA.HR.2 staff-processors of the data and other relevant BA.HR services dealing with contract agents (notably 'Field Appointing Authority
Members of selection panels
EC DG HR B2 - Unit dealing with recruitment of contract agents

13/ retention policy of (categories of) personal data
The data will be kept for a maximum of 10 years as of the termination of employment. As for non-recruited applicants, data will be retained for a maximum of 2 years.

13 a/ time limits for blocking and erasure of the different categories of data
(on justified legitimate request from the data subject)
(Please, specify the time limits for every category, if applicable)
5 working days after the request is deemed legitimate

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,

N/A

Article 27.2.(b)
Processing operations intended to evaluate personal aspects relating to the data subject,

Yes. The recruitment procedure includes an interview with the candidate in order to evaluate professional and personal aspects relating to the candidate. Minutes of the interview and the results are kept in the file.

Article 27.2.(c)
Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

N/A

Article 27.2.(d)
Processing operations for the purpose of excluding individuals from a right, benefit or contract,

N/A

The process aims at recruiting or extending contracts of contract agents in EU Delegations. It can therefore also lead to the non-recruitment or the non-extension of the contract concerned. However, the purpose of the processing is not excluding individuals from a right.

Other (general concept in Article 27.1)

N/A

17/ Comments

Description of the processing operation:

The administrative management of contract agents in EU Delegations includes:

1. Selection: short-listing of pre-selected candidates at HQ and Delegations, follow-up to selection panels by BA.HR.2 in collaboration with DG HR.
2. Recruitment: recruitment requests are sent by Delegations and followed-up by BA.HR.2 in collaboration with DG HR.
3. Probationary period: reports are drafted by relevant actors in Delegations or HQ (in the case of RITOS and RSOs/RSAs) and are followed up by BA.HR.2.
4. Extension of contracts: extension requests are sent by the Delegations and followed-up by BA.HR.2 in collaboration with DG HR.
5. Mobility/transfers are managed by BA.HR.2 in collaboration with Delegations.
6. End of Contract (due to non-extension of contract, resignation, dismissal or retirement): BA.HR.2 follows up the administrative procedure in collaboration with DG HR, HR 'Rights and Obligations' and PMO.
7. Invalidation: BA.HR.2 coordinates with the Medical Service and the EC competent services to launch, implement and finalise the invalidity procedure.

1/

It is to be noted that the present data protection notification is a model notification. Model notifications are used when there are similar processing operations in several divisions, directorates, or in this case, in EU Delegations. It means that there will be only one notification covering the same process for all EU Delegations. There is a central management of the present procedure and data processing determined by the relevant division of the EEAS. Therefore, with regard to the personal data processing operation, the controller is the division in HQ, who is responsible for determining the purpose and the means of the procedure, defined under point 2 of the data protection notification. Although the Data Controller for the Model Notification is the organisational entity specified under point 2 of this notification, each Delegation under the supervision of the Head of Delegation will be the co-controller responsible for processing personal data in compliance with the provisions of Regulation (EC) 45/2001.

2/

The division of responsibility between the EEAS and the EC results in two distinct workflows. EEAS HQ is only responsible for the CAs in the EU Delegations working for the EEAS not for the CAs of the European Commission (except of RITOs on EC posts). EEAS is not involved in the career development of CAs of the European Commission (except of RITOs on EC posts).

PLACE AND DATE: Brussels, 05.08.2016

DATA PROTECTION OFFICER: Savoia-Keletti Emese

INSTITUTION OR BODY: European External Action Service