

(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 14/02/2017

CASE NUMBER: 2017-0187

INSTITUTION: CEPOL

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

European Union Agency for Law Enforcement Training (CEPOL)
1066 Budapest, Ó utca 27, Hungary

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

HR Team of CEPOL
Mr Roeland Woldhuis, Head of Corporate Services Department

Roeland.woldhuis@cepol.europa.eu

3/ NAME OF THE PROCESSING

Recruitment for the selection of staff (i.e temporary and contract agents) and trainees.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

To organise selection procedures to recruit different categories of staff (i.e temporary agents and contract agents) and trainees; to manage applications at the various stages of these selections; to manage and check the use of reserve lists.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

All candidates submitting an application for a position as temporary agents, contract agents and trainees. Members of the Selection Committee who sometimes may be external parties as well (e.g staff members of other European Agencies forming part of the Selection Committee).

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

The **on-line application form** that will be filed by the candidates will refer to the following items (see enclosed template):

- Personal data allowing the candidate to be identified i.e surname, first name.
- Information provided by the candidate to allow for practical organisation of the selection i.e address, telephone, email.
- Educational background (including knowledge of languages, ICT knowledge, job related/professional training and membership of professional bodies).
- Current and past employment history of the candidate. It is noted that the fields linked to the reason for leaving a position are not mandatory to fill.
- Information on gender, date of birth and nationality.

Following **the shortlisting phase** the platform will include

- Evaluation of candidates against eligibility and selection criteria.

Following **the interview phase** the platform will include:

- Results of the written test and the oral interview of the candidates who participated.

In addition to the above the HR team will further collect:

- Bank and legal entity details (for candidates who are invited for interview and wish to claim reimbursement of travel expenses).
- Copies of proof of nationality (passport/ID), diplomas required for admission to the selection and statements of employment (for candidates invited for interview).

It should be noted that in the context of recruitment, data concerning health may be processed. More in particular, for the purposes of complying with Articles 28(e) and 33 of the Staff Regulations (SR) and Articles 12(d) and 13 of the Conditions of Employment of Other Servants (CEOS) requiring that a candidate may be recruited as a member of staff only on condition that "*he is physically fit to perform his duties*" the candidate who is offered the position is requested to pass a medical examination resulting in a medical aptitude certificate.

In addition, for the purposes of complying with Articles 28 of the SR and 12(2) of the CEOS providing that a member of the staff may be engaged only on condition that "(a) *he [...] enjoys his full rights as a citizen*" and that "(c) *he produces the appropriate character references as to his suitability for the performance of his duties*" the HR team requests from the candidate who is offered the position to provide an extract of his/her criminal record.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

When creating their account in the platform the candidate will see the following data protection disclaimer:

"Any personal data provided by the candidate shall be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regards to the processing of personal data by the Community Institutions and bodies and on the free movement of such data. Should the candidate have any queries concerning the processing of his/her personal data, she/he shall address them to the Data Protection Officer, CEPOL, 1903 Budapest, Pf.314, Hungary or by email at: dpo@cepol.europa.eu.

For further information on Data Protection in relation to the CEPOL recruitments, please visit: www.cepola.europa.eu/data-protection/recruitment.”

The hyperlink included in the second paragraph of the disclaimer will bring the candidate to the relevant Privacy Statement (see enclosed privacy statement) located on the CEPOL webpage.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

The candidate shall have access to his/her evaluation results (pre-selection, interview and written tests) upon request, unless the exception of Article 20(1)(c) of Regulation (EC) No 45/2001 in line with Article 6 of Annex III to the Staff Regulations is applied. The time-limit to provide access shall be at any time within three months from receipt of the request.

Candidates are permitted to rectify and to erase any data that is inaccurate or incomplete in their applications during the recruitment procedure:

- 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 eligibility or selection criteria, the right of rectification cannot be exercised after the deadline for applications for the specific vacancy has passed.

Substantiated requests should be e-mailed to HeadofCSD@cepola.europa.eu

The rectification/erasure of inaccurate or incomplete data will take place without undue delay starting from the date of receipt of such request, in line with the timelines described below under point 13.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The major part of the processing is automated. More precisely, application forms are held in the e-recruitment platform. The Selection Committee members are given unique accounts with secure passwords to enter the e-recruitment platform. The Selection Committee members screen the applications and log individual marks in order to shortlist candidates for the interview phase (i. e. written tests and oral interview). Following completion of the interview phase, the Selection Committee members further log the individual marks of each candidate in the e-recruitment platform.

10/ STORAGE MEDIA OF DATA

The data are stored securely in the electronic platform provided by the external contractor (cloud solution hosted in the United Kingdom) where only HR staff members have access to full sets of data. Should any print-outs be created, they are stored in a locked cupboard in the HR office, accessible only to the HR team.

Extracts of criminal records, medical aptitude certificates, passport/ID details, diplomas required for admission to the selection and statements of employment are stored in the personal files of the data subjects who are recruited.

Passport/ID details, diplomas required for admission to the selection and statements of employment of candidates who are invited for an interview but not selected are stored in paper.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Staff Regulations of Officials (SR) and the Conditions of Employment of Other Servants of the European Communities (CEOS), in particular Articles 27-34 (SR), Articles 12-15 (CEOS) and Articles 82-84 (CEOS).

-Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training(CEPOL) and replacing and repealing Council Decision 2005/681/JHA.

-Governing Board Decision 26/2015 laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union.

-Governing Board Decision 29/2011 adopting the general implementing provisions on the procedures governing the engagement and the use of contract staff at CEPOL.

-Decision of Director 03/2015 internships at CEPOL.

-Article 5(a) (d) of Regulation (EC) 45/2001.

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

- CEPOL Appointing Authority.

- Members of the Selection Committee (including external parties who act as Selection Committee members).

- CEPOL Internal Audit Panel and/or the Internal Control Officer (if relevant).

- External contractor providing the platform (subject to national law adopted for the implementation of the Directive (EC) 95/46.

- EU bodies: European Court of Justice, European Ombudsman, European Data Protection Supervisor, European Anti-Fraud Office (OLAF), Internal Audit Service of the European Commission, European Court of Auditors.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

- The data of the recruited candidates will be stored in their personal file for a period of ten years as of the termination of employment or as of the last pension payment.

- Data of non-shortlisted candidates are held for 2 years (from closure of the procedure, i.e. date on which the successful candidate is appointed). Following that period they will be deleted from the platform.

- Data of candidates who have been shortlisted or placed on a reserve list but have not been appointed are held for 2 years after the expiry of the reserve list (note that the reserve list is open for up to 18 months from the closing date of the selection procedure and may be extended). In most cases, the reserve lists are extended for another 12 months.

- The Administration file of the recruitment procedure is retained for 5 years from closure of the procedure (this file is a record of the recruitment procedure including names of candidates, names of shortlisted candidates, marks received by candidates in the interview phase and results of recruitment procedure).

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

Time limit to rule on a request: 15 working days (starting as of reception of the request).

Blocking period: Immediately if feasible (maximum delay of 5 working days).

Erasure Period: Maximum delay of 5 working days after the ruling on the request.

(Please, specify the time limits for every category, if applicable)

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

Some of the data such as nationality and gender may be used for statistical purposes (e.g reporting to the Management Board) in anonymised way.

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

Data is not transferred to third countries or international organisations

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING *(Please describe):*

☒ 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

The envisaged use of the electronic platform is meant to start before the end of February 2017.

PLACE AND DATE: BUDAPEST, 13 FEBRUARY 2017

DATA PROTECTION OFFICER: IOANNA PLIOTA

INSTITUTION OR BODY: EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT TRAINING (CEPOL)