

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1456

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 19/04/2017

CASE NUMBER: 2017-0411

INSTITUTION: EUROPEAN INVESTMENT BANK

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

European Investment Bank, 98-100, boulevard Konrad Adenauer, L- 2950 Luxembourg
 Controller: AAC Secretary, Mr Klaus Tromel

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

Em Secretary General- Directorate
 Em Appointment Advisory Committee (AAC)

3/ NAME OF THE PROCESSING

Procedures for appointing members of the Management Committee of the European Investment Bank

4/ PURPOSE OR PURPOSES OF THE PROCESSING

According to current Rules of Procedure of the Em and the Operating Rules of the AAC, the Committee shall provide non-binding opinions on the suitability of the candidates proposed by Member States as members of the Management Committee (MC) of the European Investment Bank (Em).

As soon as a Member State presents a candidate to be proposed for appointment, the Secretary General of the Bank shall send that proposal to the Chairman of the AAC.

The AAC shall assess whether the candidate satisfies the criteria set out in the Rules of Procedure of the Bank.

In the context of the assessment, the AAC may request additional information and/or documents from the Member State. It may also ask that a confidential hearing be held with the candidate.

The opinion of the AAC on the candidate will consist in either a non-objection or a statement of reservation. In the latter case, reasons should be provided with the opinion.

The AAC will provide its opinion to the nominating Member State on a bilateral and confidential basis as well as to the candidate.

Should the Member State wish to proceed to propose its candidate after receipt of the Committee's opinion, that opinion must be included with the proposal. If the Committee has not provided its opinion within 60 days from the request, the Member State may propose its candidate without the opinion of the Committee.

¹ OJ L 8, 12.01.2001.

² Please attach all necessary backup documents

Appointments to the Management Committee of the EIB are made by the Board of Governors on a proposal from the Board of Directors in accordance with the following process: a) the proposal from the nominating Member State (including the Committee's opinion) is transmitted to the Board of Directors upon its receipt by the EIB's Secretary General; ii) once approved by the Board of Directors, the EIB's Secretary General sends the proposal for the appointment (including the Committee's opinion) to the Board of Governors for approval.

51 DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Persons whose names will be proposed by the EU Member States - accordingly to the EIB applicable rules – to be nominated for the EIB Management Committee.

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

Under Article 2(2) of the AAC Operating Rules, assessment of the candidate's "high integrity and high reputation" as well as "his or her ability to ensure the sound and prudent management of the Bank".

Account shall be taken inter alia "of factors such as convictions or pending prosecutions of a criminal offence...";

Under Article 2(3) of the AAC Operating Rules, the AAC considers the candidates theoretical and practical experience as well as "skills and knowledge acquired and demonstrated by the professional conduct of the candidate". It further looks at "the candidate's ability to perform his or her duties independently".

An "information form" to be completed in agreement with the candidate is provided to the nominating Member State, together with a curriculum vitae of the candidate. This form gathers information on the candidate personal identification details, theoretical and practical experience of the candidate (incl. professional experience, education, and other relevant trainings), and information about the integrity of the candidate (incl. basic general information on criminal antecedents, financial antecedents, conduct, and financial holding and business interests and obligations).

By virtue of Article 8(3) of the Operating Rules of the AAC, the Committee is also authorised to ask for and use any information it deems relevant for the proper performance of its duties.

71 INFORMATION TO BE GIVEN TO DATA SUBJECTS

The candidate will be informed on the "Information form" that his their personal data will be processed by the AAC, under the terms of the regulation 4512001 – as amended from time to time – for what purposes and what kind of data, and that they will have the right to access, to modify, to block and to erase their data, as well of lodging a complaint to the European Data Protection Supervisor.

81 PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

Under request, the AAC Secretary will provide access for data subjects to their processed data. Data subjects have the right to rectify inaccuracies, and in certain conditions duly justified, to block and to erase it (article 13, 14, 15 and 16 of Regulation 4512001).

91 AUTOMATED / MANUAL PROCESSING OPERATION

Processing operations on assessing suitability shall be conducted manually.

10/ STORAGE MEDIA OF DATA

Processed data shall be stored on Em electronic data base (GED) with limited rights of access.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Decision of 15 December 2015 of the Board of Directors on the submission of proposals to the Board of Governors concerning the Strengthening Em Governance.

Decision of 20 January 2016 of the Board of Governors (Doc 16/01 and 16/02) on the Strengthening Em Governance, in particular : (i) Amendments to the Rules of Procedure of the Em (*) and (ii) Operating Rules of the new Appointment Advisory Committee (AAC).

These changes are effective since 1 September 2016.

(*) The amendments to the Rules of Procedure of the Em include a new Article 23.a of the Rules of Procedure of the Bank, pursuant to which an Appointment Advisory Committee is created and shall give non-binding opinions on candidates' suitability to perform the duties of member of the Management Committee of the European Investment

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

- A) Step 1 Confidential bi-lateral process (AAC/Member State): Data that might be disclosed are included in the "Information form" and a curriculum vitae provided by the candidate to
The responsible Ministry/Department from the Member State presenting the candidate;
The AAC members;
The Em Secretary General acting as AAC Secretary;
The candidate, including any information additional to the information already provided by him/her in the "Information form".
- B) Step 2 Should the Member State wish to proceed to propose its candidate after receipt of the Committee's opinion: Data that might be disclosed will be limited to information stated in the AAC opinion and in a curriculum vitae provided by the candidate to
The responsible Ministry/Department from the Member State presenting the candidate;
The candidate, to the extent that the candidate might exercise the right of access to his/her own personal data contained in the AAC opinion according to applicable legislation;
The Em President;
The Em Secretary General ;
The Members of the Board of Directors;
The Members of the Board of Governors.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Processed data shall be kept during 7 years (duration of a mandate+ 1 year) as from the reception of the information form by the AAC.

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

5 working days to block, 10 working days to erase.

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.

NA

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

NA

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING AS FORESEEN IN:

i 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.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

Whilst the AAC only provides a non-binding opinion on a candidate's suitability, the respective processing operations additionally contribute to the Board of Directors or the Board of Governors' potential decision to "excluding individuals from a right, benefit or contract".

17/ COMMENTS

The AAC shall comprise five members external to the Bank, appointed by the Board of Governors upon proposal of the President, having independence, competence, high integrity and high reputation. Members of the Committee shall possess relevant professional experience, in particular banking expertise, including banking supervisory and/or financial expertise, in the private or public sector and/or thorough knowledge of European Union matters.

PLACE AND DATE: 19 APRIL 2017

DATA PROTECTION OFFICER: PELOPIDAS DONO

INSTITUTION OR BODY: EUROPEAN INVESTMENT BANK

³ Not to be published in the EDPS' Register (Art. 27(5) of Regulation (EC) N°: 45/2001

