

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1469

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(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 22-12-2016

CASE NUMBER: 2017-0717

INSTITUTION: EIT

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY (EIT)
1/E Neumann Janos Street, Infopark, 1117 Budapest, Hungary

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

Unit: Services and Finance (SAF)

Head of Unit: Jari Ahola (Head of Unit until 31 December 2016), Szabolcs Borda (Acting Head of Unit as of 1 January 2017)

Contact person: Patricia Juanes Burgos, Legal Corporate Officer and Governance Matters,
Patricia.Juanes@eit.europa.eu

3/ NAME OF THE PROCESSING

Selection and recruitment of trainees at the EIT

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose of processing personal data is to select and recruit trainees to meet the objectives of the EIT traineeship scheme, in particular to promote European integration by providing an opportunity for trainees to

¹ OJ L 8, 12.01.2001.

² Please attach all necessary backup documents

acquire practical experience of the activities of the European institutions in general and the European Institute for Innovation and Technology in particular.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Candidates applying for traineeships at the EIT (candidates may be nationals of EU Member States, from the European Economic Area (EEA), the European Free Trade Area (EFTA), candidate countries and the United States of America, Japan, South Korea and the BRICS countries).

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA

In the context of the selection and recruitment of trainees, the following categories of personal data are processed, as provided in the application (Europass CV and motivation letter) and during the interviews:

- Name, date and place of birth, gender, address, contact details, nationality;
- Photo of the candidate, if provided by the applicant in the CV (not required by the EIT, but if supplied, may reveal the racial or ethnic origin of the candidate falling under Article 10 of Regulation No 45/2001);
- Information concerning education and prior employment;
- Information on family members if the candidate is a close family member of an EIT staff member or of an EIT Governing Board member.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The EIT makes sure that the candidates for traineeships are adequately informed as required by Article 11 of Regulation No. 45/2001.

The Rules governing the Traineeship Scheme of the European Institute for Innovation and Technology (see Annex 1) published on the website of the EIT includes a Privacy statement regarding the selection and recruitment of trainees of the European Institute of Innovation and Technology (Annex III to the Rules Governing the Traineeship Scheme). The Privacy statement provides information in particular on the identity of the data controller, the purpose of the processing, the types of personal data processed, the data recipients, the retention period, the rights of data subjects and how to exercise them, the legal basis and the grounds for lawfulness of the processing.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

Candidates have the right for information and the right to access their personal data. In addition, the applicants have the right for the rectification of their inaccurate or incomplete factual personal data. In case the applicant contests the accuracy of the data, it is also entitled to obtain blocking of the data. Applicants also have the right to obtain erasure or blocking of their unlawfully processed data.

After the deadline for submitting traineeship applications, personal data related to the formal requirements, the eligibility and selection criteria cannot be rectified or erased with the exception of obvious clerical errors, while personal data related to the identification of the candidate can be rectified at any time during the selection procedure and while the data is kept by the EIT.

The rights of data subjects can be exercised only based on a written request. The exercise of such rights may not result in unequal treatment of the candidates and may not be contrary or harmful to the aim of the selection and recruitment procedure or to its confidentiality.

Recruited candidates may, on written request, gain access to their personal data and request the rectification of any personal data that is inaccurate or incomplete, as long as it does not call into question the recruitment decision and does not result in unequal treatment.

Exemptions and restrictions to the rights of the data subjects as set out in Article 20 of Regulation 45/2001 apply.

In case of any queries concerning the processing of personal data, applicants or recruited interim agents may send their written request to traineeship@eit.europa.eu. As a general rule, requests for access, rectification, erasure and blocking are handled within 15 working days from the date of submission of the request. In case the applicant contests the accuracy of the data, upon request, the data is blocked immediately for the period of verification of the accuracy of the data.

Data subjects have the right of recourse at any time to the Data Protection Officer of the EIT (EIT-DPO@eit.europa.eu) and to the European Data Protection Supervisor (EDPS@edps.europa.eu) for matters relating to the processing of their personal data.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The personal data of the applicants are subject to **manual processing** throughout the various stages of the selection (including the eligibility check, the pre-selection and the final selection stage) and recruitment procedure.

In line with the Call for applications for traineeship published at the EIT website (see the latest Call in Annex 2 enclosed), applications are submitted to the EIT by means of email, including a Europass CV and a motivation letter. Further to the examination of the eligibility of the candidates by the Human Resources Section of the EIT, a pre-selection is carried out by a Committee composed of EIT Staff. The final selection among the shortlisted candidates is made by the Head of the Unit with an open traineeship position as indicated in the Call for applications. For the purpose of the final selection, shortlisted candidates may be required to undergo an interview at the EIT.

10/ STORAGE MEDIA OF DATA

Within EIT, the applications received are stored in specifically dedicated parts of the common drive with access restricted to the Human Resources Section of the EIT. Paper copies are stored in the offices of the Human Resources Section in locked cupboards accessible only to the staff of the Human Resources Section.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

11.1 Legal basis

Rules governing the Traineeship Scheme of the European Institute for Innovation and Technology (see Annex 1), initially adopted on 29 January 2015 and revised on 17 July 2015 and on 21 December 2016.

11.2 Grounds for lawfulness

In line with Article 5(a) of Regulation No. 45/2001, the processing is necessary for the performance of a task carried out in the public interest on the basis of the EU Treaties or other instruments adopted on the basis thereof and for the legitimate exercise of official authority vested in the EIT. The selection and the recruitment of trainees is part of the public interest activities of the EIT, carried out based on the Rules governing the Traineeship Scheme adopted by the EIT in the legitimate exercise of its official authority.

Furthermore, the processing is also lawful based on Article 5(d) of Regulation No. 45/2001. Participation in the recruitment procedure is not mandatory. Moreover, the EIT does not require the applicants to submit any special category of data as part of the selection and recruitment procedure. If participants decide to share such information for example by means of attaching a photo to their CV this is done spontaneously and thereby with unambiguous consent.

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

12.1 EU institutions and bodies:

- Within the EIT:

Human Resources Section of the Services and Finance (SAF) Unit of the EIT, members of the EIT staff participating in the Committee in charge of the pre-selection of the candidates for traineeship, management of the EIT Unit with a traineeship position, Authorising Officer (Interim Director of the EIT)

Access will be given to the Internal Auditor of the EIT by request if necessary for the performance of the duties of the Internal Auditor.

- Within the Commission and other EU institutions and bodies:

For the purpose of safeguarding the financial interests of the European Union, personal data may be disclosed to the Internal Audit Service of the European Commission (IAS), the European Court of Auditors and the European Anti-Fraud Office (OLAF) upon request and to the extent necessary for official investigation or audit purposes.

For the purpose of handling review procedures, personal data may be discussed to the European Ombudsman, the European Data Protection Supervisor, the Civil Service Tribunal, the General Court and the European Court of Justice upon request and to the extent necessary for handling the review procedure.

12.2 Third parties subject to Directive (EC) 95/46

N/A

12.3 Third parties not subject to Directive (EC) 95/46

N/A

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

- Data of recruited candidates: the personal data of the recruited trainee is stored in the personnel file throughout the employment at the EIT. The personnel files will be retained for a period of five years after the

traineeship budget of the EIT is discharged in accordance with the EU Financial Regulation³ and the EIT Financial Regulation⁴.

After the expiry of the above mentioned period of five years, only the data necessary for providing a copy of the traineeship certificate, i.e. information on the duration of the traineeship, the unit to which the trainee was assigned, the name of the supervisor and the nature of the work performed are stored for 50 years.

Any further data required for statistical purposes is kept in an anonymous form.

- Data of shortlisted but not recruited candidates are kept for a period of two years from the expiry of the validity of the shortlist for the purposes of potential review procedures concerning the selection and recruitment procedure (complaint to the EIT, complaint to the European Ombudsman, appeal to the Civil Service Tribunal, etc.) and for budgetary or audit purposes. In case the length of the review procedure exceeds the period of two years, the relevant data are kept for the duration of the ongoing review procedure.

- Data of not shortlisted candidates will be kept for two years from the official starting date of the traineeship period for the purposes of potential review procedures concerning the selection and recruitment procedure, and for budgetary and audit purposes as indicated above. In case the length of the review procedure exceeds the period of two years, the relevant data are kept for the duration of the ongoing review procedure.

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

Requests for blocking and erasure of 'data subjects' are handled by the EIT within 15 working days from the date of submission of the request. In case the applicant contests the accuracy of its data, upon request, the data is blocked immediately for the period of verification of the accuracy of the data.

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

Over the time periods indicated under point 13, only anonymous data is retained in order to provide statistics on the traineeship scheme of the EIT.

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

Not applicable

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING

The processing operation presents a specific risk justifying prior checking as foreseen in Article 27 paragraph 2 (b): processing operations intended to evaluate personal aspects relating to the data subject. On the basis of the data provided by the candidates in their traineeship application, the EIT evaluates their suitability for the traineeship position.

³ Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EU, Euratom) No 1605/2002, as amended by Regulation (EU, Euratom) No 547/2014 of the European Parliament and of the Council of 15 May 2014 and by Regulation (EU, Euratom) No 2015/1929 of the European Parliament and of the Council of 28 October 2015

⁴ Decision of the EIT Governing Board of 27 December 2013 on adopting the financial regulation of the European Institute for Innovation and Technology

17/ COMMENTS

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PLACE AND DATE: 22 DECEMBER 2016

DATA PROTECTION OFFICER: PATRICIA JUANES BURGOS

EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY