



GIOVANNI BUTTARELLI
ASSISTANT SUPERVISOR

Mr Emmanuel MAURAGE
Data Protection Officer
European Network and Information
Security Agency (ENISA)
P.O.Box 1309
GR-71001 Heraklion, Crete

Brussels, 3 December 2009
GB/DH/ktl D(2009)1687 C 2009-0793

Subject: e-recruitment at ENISA

Dear Mr Maurage,

I refer to the prior checking notification on the processing operations on personal data concerning "e-recruitment procedures" received from the European Network and Information Security Agency (ENISA) (case 2009-793).

Article 27(1) of Regulation (EC) No 45/2001 subjects to prior checking by the EDPS processing operations likely to present specific risks to the rights and freedoms of data subjects by virtue of their nature, their scope or their purposes. Article 27(2) of the Regulation contains a list of processing operations likely to present specific risks in the above sense. Article 27(2)(b) states that processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct. The selection and recruitment of staff involves the evaluation of the ability and efficiency of the data subject and therefore falls within the scope of Article 27(2)(b).

On the other hand, the selection and recruitment of staff by ENISA has already been prior checked by the EDPS in his general Opinion on "*Staff recruitment procedures*" of certain Community agencies (2009-287). The major difference with the new notification is that part of the processing will be conducted by automated means; applications will be collected online.

Therefore, the EDPS concluded that there is no need for prior checking the new modality of the recruitment procedure. Indeed the ENISA does not plan to introduce new purposes or major changes except the electronic method at stake. Having said this, the recommendations made in case 2009-287 still apply and the Agency should give particular attention to the new security measures to implement in order to ensure a level of security appropriate to the new

Postal address: rue Wiertz 60 - B-1047 Brussels

Offices: rue Montoyer 63

E-mail : edps@edps.europa.eu - Website: www.edps.europa.eu

Tel.: 02-283 19 00 - Fax : 02-283 19 50

risk represented by the processing operation. Article 22(1) of the Regulation states that the security measures shall be taken in particular to prevent any unauthorised disclosure or access, accidental or unlawful destruction or accidental loss, or alteration, and to prevent all other unlawful forms of processing. Article 22 (2) develops in details the potential unlawful processing operations to prevent where personal data are processed by automated means.

In conclusion the EDPS decided to close the case, unless you can give us specific grounds to reconsider this position. The EDPS would appreciate if you could share this consideration with the controller. We, of course, remain available for any further consultation on the matter.

In case of future correspondence, please note that the case file number is 2009-793.

Yours sincerely,

Giovanni BUTTARELLI