

GIOVANNI BUTTARELLI
ASSISTANT SUPERVISOR

Ms Patricia LLOMBART CUSSAC
Head of Division MDR C2: Selection
and Recruitment of AD and AST staff
European External Action Service
EEAS 07/271

Brussels, 04 February 2014
GB/OL/sn/D(2014)0279 C 2013-0876
Please use edps@edps.europa.eu for all
correspondence

Dear Ms Llobart Cussac,

On 16 July 2013, the Data Protection Officer of the External Action Service (EEAS) provided a notification for prior checking under Article 27 of Regulation (EC) 45/2001 ("the Regulation"), on Staff Selection and Appointment Procedures for Officials and Temporary Agents in the EEAS. On 18 July 2013, the EDPS requested additional information; the EEAS replied, including an updated notification, on 19 December 2013. The draft Opinion was sent to the EEAS for comments on 16 January 2014; on 3 February 2014, the EEAS indicated that there were no comments.

As this processing operation was notified ex-post, i.e. when it was already active, the deadline of two months for the EDPS to issue his Opinion pursuant to Article 27(4) of the Regulation does not apply. This case has been dealt with on a best-effort basis.

As the notification deals with a subject matter for which the EDPS has already issued guidelines¹, this Opinion does not contain a full analysis of the processing operation, but will focus on those aspects where improvement is needed or where the processing operation otherwise diverges from the guidelines.

Grounds for prior checking

The notification referred to Article 27(2) points (b) (evaluation of personal aspects) and (d) (processing intended to exclude from a right, benefit or contract) as reasons for prior-checking. In the view of the EDPS, **only Article 27(2)(b) is relevant here**; point (d) targets processing operations such as blacklists and asset freezing.²

¹ Available on our website

² See EDPS cases 2009-0137 and 2010-0426

Manual / automatic processing

One of the changes introduced in the updated notification was the new "e-application" for internal candidates. This tool is hosted by DG DIGIT. It allows internal candidates to apply electronically, with information taken from SYSPER2.

Actors involved in the selection procedure

For senior management posts (and possibly other AD posts), the selection panel may also include representatives of the Council, the Commission and the Member States. Council and Commission representatives are already subject to a confidentiality obligation under the Staff Regulations. **Member States representatives should have to sign a specific confidentiality declaration in order to ensure equivalent confidentiality obligations.**

Medical data

The pre-recruitment medical examination is carried out by the medical service of the Commission in accordance with a Service Level Agreement. The EEAS only receives a statement that the examination has taken place and that the candidate is fit for service, but not the detailed results.

Conservation Periods

Selection files (including application files and evaluation of the candidates) are stored for five years following the end of the selection procedure. In his guidelines, the EDPS **recommends a conservation period of two to three years** after the end of the selection procedure. **Please adapt the conservation period accordingly or explain why a longer period is necessary.**

Please inform the EDPS of the measures taken based on the recommendations of this opinion within a period of 3 months.

Yours sincerely,

(signed)

Giovanni BUTTARELLI

Cc: Ms Carine Claeys, Data Protection Officer, EEAS
Ms Emese Savoia-Keleti, DPA & DPC Networks Coordinator, EEAS