



EUROPEAN DATA PROTECTION SUPERVISOR

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C 2015-1028
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Subject: Prior-check Opinion on the European Parliament's appointment procedures of Chairs and Executive Directors of the European Supervisory Authorities (Case 2015-1028)

On 19 November 2015, the European Data Protection Supervisor ("EDPS") received a notification for prior checking under Article 27 of Regulation (EC) No. 45/2001 ("Regulation") from the Data Protection Officer ("DPO") of the European Parliament ("Parliament"). The notification concerns the participation of the Parliament in the procedure for appointing and extending the terms of office of Chairs and Executive Directors of the European Supervisory Authorities (European Banking Authority ("EBA"), European Insurance and Occupational Pensions Authority ("EIOPA"), and European Securities and Markets Authority ("ESMA")).

While the processing notified does not fall directly under the scope of the EDPS Guidelines on selection and recruitment procedures¹, it is sufficiently similar for these Guidelines to be applied by analogy. This Opinion will therefore not contain a full analysis of the procedure, but will focus on those aspects where the processing operation diverges from the Guidelines or otherwise needs improvement.

¹ [Guidelines concerning the processing of personal data in the field of staff recruitment](#)

The EDPS takes note that Article 51 of the Regulations establishing the three European Supervisory Authorities² only provides for a role for the Parliament in the appointment procedure of Executive Directors, not for the procedure relating to the extension of their term of office. Nevertheless, the Parliament's Committee on Economic and Monetary Affairs (ECON) has organised a public hearing also in the extension procedure with the incumbent Executive Director of EBA and ESMA, respectively.

Retention period

The notification indicates that data will be stored until the end of the legislative term in which the appointment procedure takes place. Afterwards, documentation may be kept for historical purposes.

The EDPS recommends that the Parliament set a specific time limit³, since the retention period may vary substantially depending on at what point within the legislative term the appointment procedure takes place. Such appointment procedures could also theoretically last over more than one legislative term⁴. As regards the time limit, the Parliament should bear in mind the requirements of Article 4.1(e) of the Regulation, which provides that personal data must be "*kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected or for which they are further processed*".

Concerning the possible further use for historical purposes, the EDPS recalls the principles relating to such further use in Article 4.1(b) of the Regulation. The controller must provide appropriate safeguards, in particular to ensure that the data are not used for any other purposes or in support of measures or decisions concerning particular individuals.

Conclusion

Based on the information provided, there is no reason to believe that there is a breach of the provisions of the Regulation. In light of the accountability principle, the EDPS trusts that the Parliament will ensure that the considerations and recommendations contained in this Opinion will be fully implemented.

The EDPS has therefore decided to **close case 2015-1028**.

Yours sincerely,

(signed)

Wojciech Rafał WIEWIÓROWSKI

Cc: Data Protection Officer, European Parliament

² Regulation (EU) No 1093/2010, Regulation (EU) No 1094/2010, and Regulation (EU) No 1095 of the European Parliament and the Council of 24 November 2010.

³ In a previous similar prior check opinion, the EPDS considered a period of six months from the date of the hearing in the relevant committee as an appropriate retention period (EDPS Opinion 2015-0500 on the pre-selection procedure for the post of the Director of FRA).

⁴ See EDPS Opinion 2013-1090 on the selection of the Chair of the Supervisory Board in the context of the establishment of the Single Supervisory Mechanism.