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ASSISTANT SUPERVISOR

President
European Investment Bank
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Brussels, 09 February 2017
WW/TS/sn/D(2017)0304 C 2015-0801
Please use edps@edps.europa.eu for all
correspondence

Subject: Prior checking notification concerning selection of the Managing Director and the Deputy Managing Director for the European Fund for Strategic Investments

Dear (...),

I refer to the notification for prior checking concerning the selection of Managing Director and Deputy Managing Director for the European Fund for Strategic Investments (EFSI) submitted to the European Data Protection Supervisor (EDPS) by the Data Protection Officer (DPO) of the European Investment Bank (EIB) on 28 September 2015.

We note that the EFSI management selection procedure is very similar to the standard recruitment procedure at the EIB¹, apart from the additional third stage consisting of an interview of the shortlisted candidates by EFSI Steering Board as well as a hearing at the European Parliament on a basis of Article 7(6) of the EFSI Regulation². In fact, the EFSI management selection procedure involves additional processing of personal data by the EFSI Steering Board, consisting of three European Commission representatives and one from EIB, as well as by the European Parliament in the course of the hearing of the applicants.

¹ Already analysed in the EDPS opinion of 11 November 2010 in case 2009-0254 on a basis of the notification for prior checking submitted on 7 April 2009

² Regulation (EU) 2015/1017 of the European Parliament and of the Council of 25 June 2015 on the European Fund for Strategic Investments, the European Advisory Hub and the European Investment Project Portal and amending Regulations (EU) No 1291/2013 and (EU) No 1316/2013 — the European Fund for Strategic Investments

As the EFSI management selection procedure is in most aspects in compliance with Regulation (EC) N° 45/2001³ (the Regulation) as outlined in the EDPS Staff Recruitment Guidelines⁴, we will only address the existing information to data subject policy which does not seem to be fully compliant in this respect.

According to the information provided in the notification, a notice of the processing of personal data in the context of the standard recruitment procedures at the EIB is also supposed to cover the EFSI management selection procedure in question. It is posted on the EIB website⁵. Further information is provided in the automatic acknowledgement of receipt of the online application sent at the end of the first stage. Neither the notice, nor the acknowledgement provide for information about the additional legal basis or recipients of the data processed in the context of the EFSI management selection procedure. Therefore, we recommend that a reference to the EFSI Regulation as well as to the EFSI Steering Board Committee and European Parliament be added to the existing notice. Alternatively, a separate notice may be established for the selection procedure in question.

In conclusion, the EDPS considers that there is no reason to believe that there is a breach of the Regulation provided that the consideration contained in this Opinion is fully taken into account. As already mentioned the EIB should revise the existing information notice and/or establish a new specific notice on the processing of personal data in the context of EFSI management selection.

The EDPS expects that the EIB implements this recommendation accordingly and will therefore close the case.

Wojciech Rafał WIEWIÓROWSKI
(signed)

Cc: (...), Data Protection Officer

³ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data

⁴ EDPS Guidelines on the processing of personal data in the field of staff recruitment of 10 October 2008

⁵ <http://www.eib.org/about/jobs/data-protection.htm>