



WOJCIECH RAFAŁ WIEWIÓROWSKI  
ASSISTANT SUPERVISOR

Ms Ioanna PLIOTA  
Data Protection Officer  
European Union Agency for Law  
Enforcement Training (CEPOL)  
1066 Budapest  
Ó utca 27, Hungary

Brussels, 21 September 2017  
WW/CG/UK/mt/ D(2017)2013 C 2017-0187  
Please use [edps@edps.europa.eu](mailto:edps@edps.europa.eu) for all  
correspondence

**Subject: Prior-checking Opinion regarding Recruitment for the selection of staff at European Union Agency for Law Enforcement Training (CEPOL) (EDPS case 2017-0187)**

Dear Ms Pliota,

On 14 February 2017 the European Data Protection Supervisor (EDPS) received a notification for prior checking under Article 27 of Regulation (EC) No 45/2001<sup>1</sup> (the Regulation) on “Recruitment for the selection of staff (temporary and contract agents) and trainees” from the Data Protection Officer (DPO) of the European Union Agency for Law Enforcement Training (CEPOL).<sup>2</sup>

Having analysed the notification and its supporting documentation, the EDPS considers that “Recruitment for the selection of staff” **does not require a new prior checking opinion.**

The letter accompanying the notification specifies that it replaces the previous notification of CEPOL on staff recruitment (case 2014-1103), for which the EDPS issued an Opinion on the 1st of June 2015.

Besides, the letter also specifies that the updated notification is “*due to the envisaged use of an electronic platform provided by an external contractor.*”

Article 27 of the Regulation subjects a number of processing operations “likely to present specific risks” to prior checking by the EDPS. Paragraph 2 of that Article lists processing operations likely to do so.

After verification of the supporting documentation, the EDPS notes that the updated notification does not depart from the EDPS Guidelines concerning the processing operations in the field of

---

<sup>1</sup> OJ L 8, 12.1.2001, p. 1.

<sup>2</sup> As this is an ex-post case, the deadline of two months does not apply. This case has been dealt with on a best-effort basis.

staff recruitment<sup>3</sup> ("the Guidelines"). In addition, the EDPS further acknowledges that the updated notification also integrates the comments made in the EDPS Opinion of 1 June 2015 at the occasion of the initial notification. In brief, the updated notification does not bring, in substance, modifications of the recruitment and selection procedure at CEPOL.

It appears that the main change to the recruitment and selection procedure at CEPOL is the use of an electronic system managed by an external contractor as a processor. The EDPS points out that the use of an electronic platform provided by an external contractor for the recruitment and selection of staff does not, on its own, trigger a need for prior-checking under any of the grounds provided for under Article 27.

In that context, the EDPS considers that there is **no need to adopt a new Opinion**.

That being said, the EDPS has nevertheless checked the supporting documents to verify whether specific recommendations should be made. In particular, the EDPS is satisfied by the Privacy Statement explicitly mentioning the "external contractor" among the recipients in compliance with Article 11 of the Regulation.

In the Privacy Statement, it is mentioned that the fields linked to the reason for leaving a position in the application form are not mandatory. **The EDPS recommends that the non-mandatory character of these questions be made explicit in the application form itself;** applicants should not have to additionally consult the Privacy Statement to find out.

Finally, given that the **subcontractor's data centre is located in the United Kingdom, future transfers after Brexit might potentially come under Article 9** of the Regulation. Against this background, the EDPS would like to highlight that for such future transfers, an adequate level of protection will need to be ensured within the recipient's legal framework so as to meet the adequacy requirement of Article 9 of the Regulation.

The EDPS expects CEPOL to implement the recommendation made in bold above and has decided to close the case 2017-0187.

Yours sincerely,

Wojciech Rafał WIEWIÓROWSKI

---

<sup>3</sup> Available on the EDPS website: [https://edps.europa.eu/sites/edp/files/publication/08-10-10\\_guidelines\\_staff\\_recruitment\\_en.pdf](https://edps.europa.eu/sites/edp/files/publication/08-10-10_guidelines_staff_recruitment_en.pdf)