

REGISTER NUMBER: 557

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 21/12/2009

Case number: 2009-857

Institution: FRA

Legal basis: article 27-5 of the regulation CE 45/2001(1),

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and address of the controller

Paul Cozzi (Head of Human Resources and Planning Department), European Union Agency for Fundamental Rights (FRA), Schwarzenbergplatz 11, 1040 Vienna, Austria

2/ Organisational parts of the institution or body entrusted with the processing of personal data

Head of Human Resources and Planning Department: Human Resources

3/ Name of the processing

Call for expression of interest, Selection of Confidential Counsellors in the European Union Agency for Fundamental Rights (ref. FRA policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment)

4/ Purpose or purposes of the processing

Selection and appointment of Confidential Counsellors of the European Union Agency for Fundamental Rights (FRA) for the purpose of dealing with, monitoring and if possible resolving individual cases of psychological and sexual harassment.

5/ Description of the category or categories of data subjects

Data subjects are individuals who send in an application following the call for expression of interest.

6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)

It is the data provided by the candidates in connection with their applications. In principle, the processing operation does not include sensitive data as described under Article 10 of Regulation (EC) No 45/2001. However, the possibility that candidates might provide some sensitive data in their application voluntarily or otherwise, cannot be excluded. Individual applications consist of an application form, solemn declaration to be filled in and signed, a motivation letter dated and signed setting out the reasons for applying, and of an

7/ Information to be given to data subjects

The Call for Expression of Interest contains certain information about the selection procedure itself. However, there is a comprehensive Information note available to data subjects at the FRA intranet. The note provides information on the identity of the data controller, the purpose of the processing operation, the legal basis of the processing, on the rights of data subjects, the retention period of the collected data, etc. (see Annex 2).

8/ Procedures to grant rights of data subjects (*rights of access, to rectify, to block, to erase, to object*)

Right to access data - Candidates may request access to their data by sending an e-mail to the specific functional mailbox. Right to rectify - Candidates have the right to rectification of the factual data given in their application until the closing date of the call. The data subject's right of rectification only covers objective and factual data, and not assessments of the selection panel. Right to block - Candidates have the right to block data at any time. Right to erase - Data may be erased if the processing of data is unlawful. Data are erased after completion of the procedure as stated in the call (see annexe 1). Right to object - Candidates have the right to object at any time to the processing of data. In all the above-mentioned cases data subjects must send an e-mail to the specific functional mailbox with their request.

The proceedings of the selection panel are confidential. However, candidates have a right of access to their overall final assessment of the selection process. To obtain access, they must send a written note or e-mail to the chairperson of the panel.

9/ Automated / Manual processing operation

Automated: Receipt of application via e-mail, electronic registration in database and storage.

Manual: Eligibility and Incompatibility Compliance Check and, Selection of successful candidates as described in Annex 1

10/ Storage media of data

Electronic storage in dedicated e-mail Functional Mailbox with restricted access.

File system: secure storage of data during pre-selection and selection phases. Restricted access to HR staff

11/ Legal basis and lawfulness of the processing operation

- Articles 1d, 12a of the Staff Regulations
- Article 5(a) of Regulation CE 45/2001,
- FRA EB Decision 2009/2 of 18 September 2009 on the policy protecting the dignity of the person and preventing psychological harassment and sexual harassment.

12/ The recipients or categories of recipient to whom the data might be disclosed

The recipients are:

- Restricted number of HR staff who will check compliance with the eligibility conditions and the incompatibility criteria.
- Selection Panel consisting of the agency's representatives of different departments, the Human Resources and the Staff Committee. The panel is chaired by the representative of the Human Resources
- Director.
- The names of the confidential counsellors will be sent to the Heads of Department of those candidates who will be informed on their appointment and the practical implications thereof.
- The list of the confidential counsellors will be published in the FRA's intranet.

13/ retention policy of (categories of) personal data

The application forms, CVs, letters of motivation and solemn declaration will be kept until the end of the term of office of any confidential counsellor appointed.

The application forms, CVs, letters of motivation and solemn declaration of candidates who have not been selected will be destroyed one year after the end of the panel's proceedings starting from the date on which the panel ends its work i.e. the date of the minutes.

13 a/ time limits for blocking and erasure of the different categories of data

(on justified legitimate request from the data subject)

(Please, specify the time limits for every category, if applicable)

Candidates, i.e. the data subjects, may correct the data in their applications. Candidates may request access to and the rectification of the factual data given in their application, by sending an e-mail to the specific functional mailbox.

The personal data can be blocked upon request of the data subject at any time during the procedure. In this case the data subject must send an e-mail to the specific functional mailbox requesting blocking of his/her data.

At any point the data can be erased upon data subject's request provided there is no conflict with the defined procedure.

14/ Historical, statistical or scientific purposes

If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification.

It is not intended that data will be kept for historical, statistical or scientific purposes.

15/ Proposed transfers of data to third countries or international organisations

Not Applicable

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):

Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject.

AS FORESEEN IN:

Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

Other (general concept in Article 27.1)

17/ Comments

Please see Annex 1 that includes supporting documents explaining the application procedure and the Selection process. Annex 2 contains the information for data subjects (Information note).

PLACE AND DATE: Vienna, 04/12/2009

DATA PROTECTION OFFICER: Nikolaos FIKATAS

INSTITUTION OR BODY: European Union Agency for Fundamental Rights