

REGISTER NUMBER: 602

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 23/06/2011

Case number: 2010-0454

Institution: F4E (Fusion for Energy)

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

Mr. Frank Briscoe
c/ Josep Pla, nº 2,
Torres Diagonal Litoral,
Edificio B3,
08019 Barcelona,
Spain

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

Administration Department

3/ Name of the processing

Recruitment of officials, temporary agents and contract agents

4/ Purpose or purposes of the processing

Check that the candidate fulfills all the statutory requirements before appointment/recruitment/transfer.
Establish the grading of the candidate.

5/ Description of the category or categories of data subjects

Candidates who receive a recruitment offer (temporary agents, contract agents and officials)/ appointment offer as probationary officials.

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

Curriculum vitae, degrees, diplomas or educational certificates (certified true copies), testimonials from previous employers stating the duration of the employment (certified true copies), birth certificate (certified true copies), the criminal record (original is given back to the person), a statement on the position regarding military service obligations (copy), medical aptitude document from the Medical Service in Brussels (original or copy). In the case of Officials, Fiche Sysper2 or Career history (name, surname, personnel number, seniority in grade and step, date of promotion, administration situation, statutory link, classification, assignments, management allowance).

7/ Information to be given to data subjects

Job offer with selection reference, grade, personnel number and salary information. The job offer also states that the recruitment is subject to a medical check-up.

Specific privacy notice concerning the selection and recruitment procedures at F4E is available on the recruitment page of the public website.

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

Article 26 of the Staff Regulations provides access to the personal file at any time.

Candidates can rectify their data at any time by contacting the human resources area.

9/ Automated / Manual processing operation

Manual: declarations of the data subjects

Manual: checking of the information

10/ Storage media of data

Documentation is stored in the personal file when the candidate becomes a member of staff. Electronic versions/scanned copies are filed in the Human Resources drive (computer-based), with restricted access to selected staff in the Human Resources Team.

11/ Legal basis and lawfulness of the processing operation

Legal basis:

- Article 6 of the Council decision 2007/198 establishing Fusion for Energy and Article 10 of the Statutes annexed thereto;
- Staff Regulations: Title III Chapter 1 (Articles 27-34);
- Conditions of Employment of Other Servants: Articles 12-15 and 82-84.

Lawfulness of the processing:

- Processing operation is necessary for the performance of F4E tasks on the basis of the F4E founding instrument or other legal instrument adopted on the basis thereof or in the legitimate exercise of official authority vested in F4E or in a third party to whom the data are disclosed (Regulation (EC) 45/2001, Article 5 (a));
- Processing operation for which the data subject has unambiguously given his/her consent (Regulation (EC) 45/2001, Article 5 (d)).

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

Curriculum vitae, degrees, diplomas or educational certificates (certified true copies), testimonials from previous employers stating the duration of employment (certified copies), birth certificate (certified true copies), criminal record document (original document given back to the person), a statement on the position regarding military service obligations (copy), medical aptitude document from the Medical Service in Brussels (original or copy). In the case of Officials, Fiche Sysper2 or career history (name, surname, personnel number, seniority in grade and step, date of promotion, administration situation, statutory link, classification, assignments, management allowance).

The above-mentioned data is disclosed to the following recipients:

Logistics and Mail Service - Logistics and Mail Service opens all the correspondence in order to register the mail. Only the original document regarding the medical aptitude is marked as confidentiality on the envelope and not opened by the Logistics and Mail Service.

Human Resources Officer in charge of recruitment - all data mentioned is disclosed to the HR Officer as he/she is in charge of the recruitment checks.

HR Coordinator - all data mentioned is disclosed to the HR Coordinator as he/she checks and verifies the Recruitment Proceedings (job offer, invitation to medical visit and contract of employment with supporting documents).

HR Group Leader - all data mentioned is disclosed to the HR Group Leader as he/she checks and verifies the Recruitment Proceedings (signature of job offer and signature of invitation to medical visit).

Assistant to the Director - all data mentioned is disclosed to the Assistant to the Director as he/she checks and verifies the Recruitment Proceedings (contract of employment with supporting documents).

Secretary to the Director - all data mentioned is disclosed to the Secretary to the Director as he/she processes the file to be signed by the Director (contract of employment with supporting documents).

Director - all data mentioned is disclosed to the Director as the Appointing Authority signing the contract of employment.

Internal Auditor and the Court of Auditors (for the audit purposes): they have full access to all files
European Ombudsman: in case there would be a complaint, some data may be disclosed

OLAF: in case there would be an investigation, data may be disclosed

Court of Justice: in case there would be an appeal within the framework of a complaint, specific data may be disclosed

Director - all information is disclosed to the Director as Appointing Authority signing the contract of employment.

Internal Auditor and the Court of Auditors - for auditing purposes will have full access to all files.

European Ombudsman - in the case of a complaint, certain relevant data would be disclosed.

Civil Service Tribunal - in the case of a complaint, certain relevant data would be disclosed.

OLAF - in the case of a complaint, certain relevant data would be disclosed, upon justified request.

Court of Justice - in the case of an appeal within the framework of a complaint, certain relevant data may be disclosed.

13/ retention policy of (categories of) personal data

All data stored in the personal file will be stored by Fusion for Energy for 10 years following the termination of employment or last pension payment. As a principle, original documents are returned to the data subject as soon as recognition of their content has been made. As regards the educational certificates, we always keep the certified true copies in the personal file and we return the originals to the person. Regarding the certificates of former employments, in case an original was handed by the person, a certified true copy is made and the original returned (except if not wanted by the person). Original criminal record, which has in any case a limited validity duration, is given back to the staff member. In the case of candidates who prove to be not eligible for recruitment or those who reject the offer of employment, data are stored for two years following either the date of the decision by Fusion for Energy to terminate the recruitment of a particular candidate or from the date of reception by Fusion for Energy of the letter of rejection from the candidate. As the Director is the Appointing Authority signing the contract of employment, all information is disclosed to the Director

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)

N/A

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,

N/A

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

N/A

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

AS FORESEEN IN:

Article 27.2.(a)

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

N/A

Article 27.2.(b)

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

N/A

Article 27.2.(c)

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

N/A

Article 27.2.(d)

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

In view of the recruitment of the candidate, it is necessary to determine the rights, benefits and the contract to which the candidate is eligible

Other (general concept in Article 27.1)

17/ Comments

PLACE AND DATE: Barcelona, 22 February 2011

DATA PROTECTION OFFICER: Radoslav Hanak

INSTITUTION OR BODY: The European Joint Undertaking for ITER and the Development of Fusion Energy (Fusion for Energy)