

REGISTER NUMBER: 616
NOTIFICATION FOR PRIOR CHECKING
<p>Date of submission: 30/07/2010</p> <p>Case number: 2010-0591</p> <p>Institution: EACEA</p> <p>Legal basis: article 27-5 of the regulation CE 45/2001⁽¹⁾</p> <p style="text-align: right;"><i>(1) OJ L 8, 12.01.2001</i></p>

INFORMATION TO BE GIVEN⁽²⁾
<i>(2) Please attach all necessary backup documents</i>
<p>1/ Name and address of the controller Unit or service: Unit R1 - Resources, administration, IT, communication Function: Head of Unit Administrative address: BOUR 01/25 Postal address: Education Audiovisual and Culture Executive Agency, Avenue du Bourget 1, BOUR, BE-1140 Brussels</p>
<p>2/ Organisational parts of the institution or body entrusted with the processing of personal data Full name: POUPART NICOLE Unit or service: R1 (HR) Function: Head of Sector Telephone number: 88793 E-mail address: nicole.poupart@ec.europa.eu</p>
<p>3/ Name of the processing Management of spontaneous applications</p>
<p>4/ Purpose or purposes of the processing The processing operation is necessary for the selection procedure of the best qualified candidates. In particular it is necessary in order to: - pre-select new candidates in case of potential job vacancies; - centralise, at the level of the HR sector of Unit R1 within the EACEA, all the spontaneous applications received by any EACEA staff member.</p>
<p>5/ Description of the category or categories of data subjects Potential candidates, who sent a spontaneous job application to EACEA</p>
<p>6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data) In the register of spontaneous applications, candidates are divided in two categories: 1) Potential candidates for the posts of contract agents (mentioning whether they have passed an EPSO test). These are subdivided according to the function group they belong to and there is also a subcategory for the ones that do not specify their function group. 2) Potential candidates for the posts of interim staff. In this category, personal data of candidates for interim positions are registered.</p> <p>Fields of the register - name; - last name; - date of receipt (of the application); - date of response; - EPSO reference number and results (where applicable); - comments (e.g. mentioning the field of specialisation of the candidate or/and whether the candidate waits for his/her EPSO test results).</p> <p>Data kept in the paper files - CVs; - the applicant's e-mail; - the response of EACEA HR sector.</p>

7/ Information to be given to data subjects

A standardised e-mail is sent as response to the candidates.
This mail refers to the Agency's web page, where information is regularly updated on Temporary Agents selections. For Contract agents, interim and traineeship request, the mail refers to the general Agency recruitment policy, also published on the web page. Furthermore, the mail refers to EACEA's privacy statement on its website for further details on the privacy policy of the Agency and spontaneous applications.
The mail mentions explicitly that the CV will be kept for 6 months, and then destroyed.
This mail is sent by the functional e-mail address of the Human Resources sector.
EACEA-RESSOURCES-HUMAINES@ec.europa.eu

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

Via e-mail, upon simple request, as detailed in the Privacy Statement

9/ Automated / Manual processing operation

• Activity in the frame of which the processing is carried out
One of the main tasks of Unit R1 is to manage the Human Resources policy of the Agency. This task includes, among others, the management of job applications which are sent spontaneously to the different units of the Agency.

EACEA receives spontaneous job applications and Curricula Vitae (CVs) from persons interested in working at the Agency. The general rule to handle these documents is to refer applicants to the Agency web page for further information on the Agency's personnel policy, underlining that the CVs will be kept during 6 months as a source of choice for specific job openings.

EACEA has therefore put in place a system for dealing with unsolicited job applications, ensuring that all necessary steps are taken for having all related processing operations on personal data in full compliance with Regulation (EC) n° 45/2001.

The management of spontaneous applications falls within the implementation of the "Documents management" procedure in EACEA; e-Domec (Electronic Archiving and Document Management in the Commission) is implemented in the Agency as from September 2007.

• Working procedure followed within the framework of this activity
The HR maintains a register with the date of the receipt of the application and the date of response to the application (in excel sheet format). Physical and electronic files are created and preserved in R1 for 6 months in a secure place (containing the CVs and copies of the received e-mails/original letters and the sent responses). After these 6 months, paper copies are destroyed and all related electronic files deleted.

Spontaneous applications can be sent to the human resources either directly by candidates, or by the different horizontal and operational units of the Agency (e.g. to Heads of Unit or to a functional mailbox). In addition, these applications are either received by letter or by e-mail.

Due to this division, the following two procedures have been established, which shall be followed by the units of the Agency (others than R1):

Receipt of an application by letter :

1. The application letter arrives in one of the Units of the Agency;
2. Affixing of the "Arrival" seal for attestation of the date of arrival;
3. Units send the original application and a copy of any possible response to the unit R1.

No copy of the application is kept by the Unit that received the application;

4. Encoding of main information into the register by R1;
5. Response of R1 to the candidate within 15 working days.

Candidates are invited to consult the EACEA website for detailed information on the Agency's personnel policy and for a Privacy statement.

Their attention is drawn on the fact that the Agency will keep the CVs for 6 months;

6. Printing and conservation of both documents (application and response) in a paper file by R1 for 6 months;
7. After 6 months, the documents are deleted and no further copies will be kept

Receipt of an application by e-mail :

1. The application e-mail arrives in a Unit of the Agency;
2. The date of receipt in Outlook attests the date of receipt; Units forward the e-mail to the unit R1;
3. Units destroy both the original received e-mail and the forwarded e-mail;
4. Encoding of main information into the register;
5. Response of R1 to the candidate by e-mail within 15 working days; (candidates are invited to consult the EACEA website for detailed information on the Agency's personnel policy and for a Privacy statement. Their attention is drawn on the fact that the Agency will keep the CVs for 6 months);
6. Printing and conservation of both documents (application and response) in a paper file by R1 for 6 months;
7. After 6 months, the documents are deleted and no further copies will be kept.

When the need arises and the Agency decides to organise contract agents panel interviews to fill in vacant posts, the HR check (against pre-established selection criteria determined on the basis of the job description) among the spontaneous applications (candidates who have successfully passed an EPSO test);

if matching profiles are found, the spontaneous applications candidates are invited to the panel interview.

For the selection procedure see notification on staff selection procedure of contract agents.

All recipients of personal data in the course of internal transfers are reminded that they can use the information only for the purpose of the selection procedure and they are bound by the Agency's confidentiality policy.

10/ Storage media of data

- Computer environment: Receiving applications and sending responses per e-mail (in most cases), keeping an electronically available excel sheet and using the functional mailbox of the Human Recourses sector (to store the e-mails);
- Paper files: Electronically sent CVs as well as related responses are printed and properly archived / CVs sent by post are filed in their original form and related responses in a copy (since original answer is also sent by post).

11/ Legal basis and lawfulness of the processing operation

Legal basis

Commission Decision 2002/47/EC, ECSC, Euratom of 23 January 2002 (amending its Rules of Procedure by adding special provisions on document management).
The new policy for electronic archiving and document management in the Commission is called e-Domec; e-Domec is now part of the Rules of Procedure of the Commission and falls within the framework of the administrative reform and e-Commission.
Note of the Director of 16 July 2007 regarding the implementation of e-Domec procedures in EACEA as from September 2007.
Note of the Director of the 13/01/2010 on the new version of the vademecum

Grounds for lawfulness

Regulation (EC) No 45/2001, Article 5, point a), in conjunction with Recital 27:
The processing is necessary for the performance of a task carried out in the public interest on the basis of a legal instrument adopted on the basis of the Treaties establishing the European Communities (Commission Decision 2009/336/EC setting up the EACEA); in particular, it is necessary for the management and functioning of the Agency.

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

Authorised HR staff members;
Selection Committees (when spontaneous candidates can be invited to a Contract Agent panel interview) ;
Head of Units (in case of spontaneous applications to interim positions)

Other potential recipients of all categories of data processed
The European Court of Justice, The Court of First Instance and/or the Civil Service Tribunal or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure

The competent Appointing Authority (the Director of the Agency, the delegated Authority and the body in charge of the examination of the complaints) in case of a request or a complaint lodged under Articles 90 and 90c of the Staff Regulations.

OLAF in case of an investigation conducted in application of Regulation (EC) No 1073/1999 and the Decision of the Steering Committee of the Agency of 9 June 2006.

The internal auditor within the scope of the tasks entrusted to him/her by Articles 85 to 87 of the Financial Regulation and by the article 49 of Regulation (EC) No 1653/2004

The Court of Auditors within the tasks entrusted to it by Article 248 of the EC Treaty and Article 20, paragraph 5, of Regulation (EC) No 58/2003

The European Court of Justice, the Court of First Instance and/or the Civil Service Tribunal, or a national Judge as well as the lawyers and the agents of the parties in case of a legal procedure

The competent Appointing Authority (the Director of the Agency, the delegated Authority and the body in charge of the examination of the complaints) in case of a request or a complaint lodged under Articles 90 and 90c of the Staff Regulation

The European Ombudsman within the scope of the tasks entrusted to it by Article 195 of the EC Treaty

The European Data Protection Supervisor in accordance with Article 47, paragraph 2, of Regulation (EC) No 45/2001

<p>13/ retention policy of (categories of) personal data</p> <p>If spontaneous candidates are recruited: data are kept in their personal file. The data retention period is 8 years after the extinction of all rights of the person concerned and of his/her dependants, but until at least 120 years after the date of birth of the person concerned [See Common Conservation List (CCL), SEC (2007) 970 adopted by the Commission on 04/07/2007, Annex 1, p. 19, point 12.3.7].</p> <p>If spontaneous candidates are placed in the short list: data are kept for the validity period (and possible extension) of the reserve list</p> <p>If spontaneous candidates are invited to interview and not included in the short list: data are kept for 2 years following the conclusion of the selection procedure</p> <p>If spontaneous candidates are not invited to interview: data (paper and electronic files) are destroyed after 6 months 6 months; after that, data are destroyed (electronic files are deleted and papers are destroyed).</p>
<p>13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) <i>(Please, specify the time limits for every category, if applicable)</i></p> <p>All categories mentioned above under subheading 6.</p> <ul style="list-style-type: none"> - Blocking: To rule on a request: 45 working days (beginning from the day of the request) - Blocking period: depending on the case – maximum 6 months - Erasure: 15 working days (beginning from the day of the request)
<p>14/ Historical, statistical or scientific purposes <i>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</i></p>
<p>15/ Proposed transfers of data to third countries or international organisations</p>
<p>16/ The processing operation presents specific risk which justifies prior checking <i>(please describe)</i>:</p> <p>AS FORESEEN IN:</p> <p><input type="checkbox"/> Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,</p> <p><input checked="" type="checkbox"/> Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject, Data relating to the evaluation of personal aspects of the data subject (such as his or her ability, efficiency and conduct)</p> <p><input type="checkbox"/> Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,</p> <p><input type="checkbox"/> Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,</p> <p><input type="checkbox"/> Other (general concept in Article 27.1)</p>
<p>17/ Comments</p>

PLACE AND DATE: Brussels, 30 July 2010

DATA PROTECTION OFFICER: Hubert Monet

INSTITUTION OR BODY: The Education, Audiovisual and Culture Executive Agency (EACEA)