

**REGISTER NUMBER: 843**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 16/03/2012

Case number: 2012-0264

Institution: EIOPA

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

*(1) OJ L 8, 12.01.2001*

**INFORMATION TO BE GIVEN<sup>(2)</sup>**

*(2) Please attach all necessary backup documents*

1/ Name and address of the controller

EIOPA - European Insurance and Occupational Pensions Authority  
Westhafenplatz 1  
Westhafen Tower 14 floor  
D - 60327 Frankfurt am Main

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

EIOPA, Policy unit, External Relations

3/ Name of the processing

Selection of the members of the Stakeholder Groups

4/ Purpose or purposes of the processing

Data used to evaluate personal aspects of applicants (such as ability, efficiency or conduct) for the selection and appointment of members of the two EIOPA Stakeholder Groups, namely the IRSG (Insurance and Reinsurance Stakeholder Group) and OPSG (Occupational Pensions Stakeholder Group) and establishment of a reserve list if necessary.

5/ Description of the category or categories of data subjects

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As described in Art. 37 of EIOPA Regulation, Members of the Stakeholder Groups are qualified individuals selected by the Authority on the basis of their expertise in the area of financial services and taking account of the different nature of the stakeholders affected by the work of the Authority.

Members of the Insurance and Reinsurance Stakeholder Group (IRSG), 30 in total, are individuals appointed to represent in balanced proportions insurance and reinsurance undertakings and insurance intermediaries operating in the Union, and their employees' representatives, as well as consumers, users of insurance and reinsurance services, representatives of SMEs and representatives of relevant professional associations.

Members of the Occupational Pensions Stakeholder Group (OPSG), 30 in total, are individuals appointed to represent in balanced proportions institutions for occupational retirement provisions operating in the Union, their employees' representatives, beneficiaries representatives, representatives of SMEs as well as representatives of relevant professional associations.

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

Application form, including 3 Sections:

1 – IDENTIFICATION; Including: Name, address, contact details (Telephone, e-mail, facsimile); membership sought

2 – CONFLICTS OF INTEREST (declaration);

3 – TECHNICAL CAPACITY (CRITERIA 1, 2, 3, 4 - as specified in the call for interest).

Curriculum Vitae:

The model European CV from Europass was recommended. Link:

<http://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions>

7/ Information to be given to data subjects

The webpage dedicated to the Call for candidates contains reference to the EC Regulation 45/2001 and the link to EIOPA's (draft) Implementing Rules on Data Protection.

The webpage includes a personal data protection notice and the email address to the Data Protection Officer who may be consulted at any time by any person and in particular by data subjects in respect of any matter relating to the application of the Regulation, and the link to the EDPS' website.

In addition, the Call for interests informs the candidates that the final composition of the two Stakeholder Groups (names, nationality and short bios of their members) will be published on EIOPA's website. Before the publication, EIOPA will request the explicit approval by the appointed candidates.

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

EIOPA's (draft) Implementing Rules on Data Protection lay down the detailed rules pursuant to which a data subject may exercise his or her rights, the procedure for notifying a processing operation and the procedure for obtaining access to the register of processing operations kept by the Data Protection Officer.

9/ Automated / Manual processing operation

Applications shall be submitted either by registered post or by private courier service (to EIOPA address) or by email in the following email address: stakeholder.groups@eiopa.europa.eu.

The Selection committee shall select the candidates to be proposed to the Board of Supervisors for final appointment after the consultation with the Management Board. To this effect, the Selection Committee shall present the results of the selection process on the basis of an individual assessment form for each candidate.

The names and nationality of the appointed candidates together with a short biography will be made public on

EIOPA website.

Where possible, a reserve list of candidates could be established.

10/ Storage media of data

All relevant documents regarding candidates will be saved on the EIOPA Server with access restricted to the selection committee only.

11/ Legal basis and lawfulness of the processing operation

European Parliament and Council Regulation no. 1094/2010 of 24 November 2010 establishing the European Insurance and Occupational Authority (EIOPA), in particular Article 37;  
EIOPA Rules of Procedure;  
EIOPA-11-049 EIOPA Insurance and Reinsurance Stakeholder Group - Rules of Procedure  
EIOPA-11-048 EIOPA Occupational Pensions Stakeholder Group - Rules of Procedure

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

The Selection Committee shall receive the complete documentation sent by each applicant.

The Boards (Management and Board of Supervisors) shall receive the relevant documentation of the candidates proposed by the Selection Committee.

The names and short biography of the appointed members are published on EIOPA's website.

13/ retention policy of (categories of) personal data

Two years and a half for applicants who have been neither retained on the reserve list nor appointed to the Stakeholder Groups.

Five years after the expiry of the mandate for appointed members of the Stakeholder Groups.

From the approval of the reserve list for candidates inserted in the reserve list until a new Call for Expressions of Interest is published. If a candidate in the reserve list is appointed as member of the Stakeholder Groups, their data will be further retained for five years after the expiry of their mandate.

In case of a legal challenge, the above dates shall be extended until two years after completion of all relevant proceedings.

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)

According to EIOPA's (draft ) Implementing Rules, Article 12: If the ground for the request of blocking data is the inaccuracy of the data, as referred in paragraph 41, a), the Data Controller shall immediately block the data for the period necessary for verifying the accuracy and completeness of the data. A data subject who has requested and obtained the blocking of data shall be informed thereof by the Data Controller. He or she shall also be informed of the fact that data are to be unblocked at least 15 working days before they are unblocked. The Data Controller shall take a decision as soon as possible and at the latest within 15 working days of receiving a request for data to be blocked. If the request is accepted, it shall be acted upon within 30 working days and the data subject notified thereof. Should the request for blocking be rejected, the Data Controller shall have 15 working days within which to inform the data subject by means of a letter stating the grounds for the rejection. In automated filing systems, blocking shall be ensured by technical means. The fact that personal data are blocked shall be indicated in the system in such a way as to make it clear that the data may not be used. Personal data blocked pursuant to this Article shall, with the exception of their storage, only be processed for purposes of proof, or with the consent of the data subject or for the purpose of protecting the rights of third parties.

According to EIOPA's (draft ) Implementing Rules, Article 13: The data subject shall have the right to obtain from the Data Controller the erasure of data if the processing thereof is unlawful. If the request is accepted, it shall be acted upon immediately. If the Data Controller deems the request unjustified, he or she shall have 15 working days within which to inform the data subject by means of a letter stating the grounds for the decision.

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,*

Not applicable

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*):

The selection procedure is a processing operation that intends to evaluate personal aspects relating to the data subject, and, therefore falls under Article 27.2.(b) of the Regulation

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