

To be filled out in the EDPS' office)
REGISTER NUMBER: 1051

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 27/06/2013

CASE NUMBER: 2013-0736

INSTITUTION: EFCA

LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

European Fisheries Control Agency, Avda. Garcia Barbon, 4, E-36201 Vigo

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

Unit - A, Resources, HR Section
Contact person: Wilhelm Scherzer, HR Officer

3/ NAME OF THE PROCESSING

Service contracts for “trainees” under the agreement for educational cooperation with University of Vigo

4/ PURPOSE OR PURPOSES OF THE PROCESSING

To facilitate the implementation of a traineeship at EFCA in accordance with the agreement with the University of Vigo for educational purposes (Article 5 (5) of the Agreement in Annex I).

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Students of the University of Vigo who present themselves to the Foundation University of Vigo which represent the University of Vigo (thereafter referred to as “FUVI”) in regard of possible opportunities for traineeships arranged by FUVI, and are interested in such opportunity at EFCA as it may arise.

Students of the University of Vigo who carry out a traineeship as a result of the above

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

- CV and supporting documents (university certificates, other certificates on training or work experience)
- Documents implementing the traineeship (of EFCA and FUVI)
- Documents implementing the financial payment of compensation of 400 Euro from EFCA to FUVI which contain the trainee’s name as reference.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

A data privacy statement is provided to FUVI with the request to accordingly inform the potential trainees interested in a traineeship at EFCA organised by FUVI (Annex II).

At the beginning of the traineeship, the new trainee receives the above privacy statement from the HR Section.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

In relation to any requests, if the data subject requests the Controller orally, by email or by paper to exert his/her rights, the Controller will facilitate the applicant the exercise of the rights.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

On request of EFCA, FUVI identifies and selects through internal procedures interested students which comply with the provisions of the agreement with Vigo University (see Annex I). These persons give application documents (CV and supporting documents) to FUVI which forwards them to EFCA.

Proposed persons may present themselves personally at EFCA, normally at the unit or section which may provide the possibility of a traineeship. EFCA HR Section informs FUVI and the aspirant on the final agreement given by the Head of Unit A on the award of a traineeship.

The trainee starts the traineeship. FUVI is arranging the payment of the monthly compensation directly to the trainee. EFCA is arranging the payment of the monthly compensation to FUVI.

10/ STORAGE MEDIA OF DATA

Hard copies and electronic files:

CV and supporting documents of aspirants and trainees, EFCA and FUVI documents for implementing the traineeship

All the above mentioned documents are stored as personnel data. More specifically, they are stored under the electronic files of the HR Sections with access exclusively by HR Section staff, the Head of Unit A – Resources and the Executive Director.

Paper copies are stored within the HR Office and are only accessible to HR Section staff or may be made accessible to the Head of Unit A – Resources and the Executive Director.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

“Convenio de cooperación educativa entre la Agencia Europea de Control de la Pesca y la Universidad de Vigo para realizar prácticas académicas externas” as signed on 05/12/2012; Annex I) The Agreement with Vigo University contains a data Protection clause in its article 9 (novenos),

Article 5(a) of Regulation 45/2001: Clearly covered by mandate of EFCA as laid down in EC Regulation 768/2005; The processing performed is in the public interest.

Article 5(d) of Regulation 45/2001: The data subject has unambiguously given his or her consent; Participation to the traineeship procedure is not mandatory.

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

- Human Resources (HR) Section (Administrator and Administrative Assistants in the HR Section, currently 3 agents), the Head of Unit A – Resources and the Executive Director
- EFCA Staff invited by HR Section to see potential trainees for the purpose of arranging a traineeship within their service
- Also, if appropriate, access will be given to the Legal Officer, the Internal Audit Capacity, the Internal Audit Service, the European Court of Auditors, the European Ombudsman, the Civil Service Tribunal and the European Data Protection Supervisor.

The ICT Section in its function of technical control of data systems including emails and data storage may have access to the data and process for technical purposes only within the normal security framework applicable for ICT, as generally applicable for IT data of the Agency.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

- Data retention period for personnel data of potential trainees interested in traineeships as received by FUVI: As soon as not needed by HR Section for any later reference but not more than 2 years following receipt by FUVI.
- Data retention period for data of persons who perform a traineeship at EFCA: maximum of 5 years as of the termination of the traineeship.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS
The data may be blocked/ erased on request of the data subject concerned if it is not needed any more for auditing purposes.

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):

N/A

AS FORESEEN IN:

In case of more trainees than opportunities are available EFCA may decide to choose randomly or after a personal presentation of the aspirants and according to the preferences of the service offering the opportunity. A conversation with the potential trainees takes place in order to ascertain their aptitude for the traineeship before a traineeship is formalised.

↑ Article 27.2.(b)

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

↑ Article 27.2.(d)

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

17/ COMMENTS

PLACE AND DATE: Vigo, 26 June 2013

DATA PROTECTION OFFICER: Rieke ARNDT

INSTITUTION OR BODY: European Fisheries Control Agency (EFCA)