

REGISTER NUMBER: 1167

## NOTIFICATION FOR PRIOR CHECKING

Date of submission: 27/09/2013

Case number: 2013/1059

Institution: EFSA – European Food Safety Authority, Parma

Legal basis: article 27-2b 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

Head of Human Capital & Knowledge Management Unit (HUCAP)

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

- HUCAP Staff supporting the different Units in the selection of interim staff,
- Planning & Monitoring Team in the Resources and Support (RESU) Directorate dealing with interims' contracts and budget management
- Staff in the Unit of EFSA receiving the interim worker

3/ Name of the processing

**Selection and management of interim workers at EFSA**

4/ Purpose or purposes of the processing

Data processing to meet the needs of the selection and management of interim staff at EFSA. Interim workers are recruited to meet temporary needs at EFSA such as (*non-exhaustive examples*):

- The temporary substitution of permanent staff due to maternity leave and related sickness leave, parental leave, etc.
- The increase of the workforce for a determined period of time to confront workload peaks or needs in

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specific projects

Interim workers are hired on a short-term basis, as a rule for a period of 6 months. Extensions of the periods of assignment are possible, observing what is prescribed in this regard in national labour law of Italy and in Interims' agencies national collective agreements.

A public procurement procedure of EFSA for selecting one or more interim agencies was launched in July 2013 and is expected to result in new framework contract(s) with interim agencies during October 2013. It is proposed to start the adjusted data processing in the way described in this notification on the occasion of the conclusion of the new contract(s).

Description of the data processing:

Based on an internal decision for recruiting interim staff, the HUCAP Unit sends a request to the interim agency of EFSA. The request specifies the required education level, competences and professional experience as well as the starting date, the duration and a description of the envisaged interim assignment. Within 3 working days, the interim agency shall provide EFSA (HUCAP Unit) with 4 CVs of candidates with a profile compliant with the requirements. Each CV shall also be accompanied by a motivation letter of the candidate in English language. The CVs are forwarded by HUCAP to the relevant Unit. In case none of the CVs are considered appropriate, the interim agency shall provide EFSA within 2 working days with 3 additional CVs.

Following the relevant Unit/Line Manager assessment, a shortlist of possible candidates is established and interviews and tests (as necessary) are organised. The CVs are always circulated by email. The accompanying e-mail message of HUCAP contains a note mentioning that CVs qualify as personal data in the sense of the Regulation and that recipients consequently shall delete the CVs of non-selected candidates from their system as soon as the selection process is completed.

Before starting at EFSA, the selected interim worker receives a Privacy Statement and shall sign a Confidentiality Declaration according to the models provided in **Annex 1**. He/she fills in weekly time sheets for the interim agency. On the 2<sup>nd</sup> working day of each month, the interim agency sends a monthly report to EFSA-RESU P&M Team indicating the working days for each interim worker and the related cost. The monthly report is approved both by the interim staff and the related line manager and verified and confirmed by RESU P&M Team. The agency prepares the monthly invoice, sends it to EFSA-RESU P&M Team who proceeds with the payment.

A paper file is created for each interim worker to keep all the relevant documents, namely the CV, purchase order, contract extensions, time sheets. The file is kept with RESU P&M Team during the period of the assignment at EFSA, plus one year. After one year for the end of the period worked, this paper file is destroyed. The names of interim workers and the period worked are input in Excel sheets managed by RESU P&M Team and HUCAP Unit for budget planning and expenditure monitoring purposes

5/ Description of the category or categories of data subjects

Candidates for interim assignments at EFSA proposed by the interim agency and selected interim workers

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 motivation letter of the candidate interim workers submitted during the selection procedure described in point 4.
- Monthly time sheets of interim workers

- Excel sheets managed by RESU P&M Team and HUCAP

#### 7/ Information to be given to data subjects

In addition to any information provided to the data subjects by the interim agency in application of Italian national law, in accordance with Article 11 & 12 of Regulation 45/2001, a specific Privacy Statement concerning the processing of personal data by EFSA in the context of the selection and management of interim workers is provided to the interim workers at the start of their assignment at EFSA. The interim workers are also asked to sign a Confidentiality Declaration and to return it to EFSA (see **Annex 1 - draft**).

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

To exercise the right of access or to ask for the correction of incorrect data in his file, the data subject should contact the HR Partner in charge at HUCAP Unit.

#### 9/ Automated / Manual processing operation

Paper-based data processing: RESU P&M Team keeps a copy of all the needed information in the paper file (CV and timesheets)

The names of interim workers and the period worked are input in Excel sheets managed by RESU P&M Team and HUCAP Unit for budget planning and expenditure monitoring purposes. Their name is also entered in a database managed by Service Desk for logistic support purposes (building access badge, PC, phone).

#### 10/ Storage media of data

Paper-based processing of data: documents are collected in the paper file

#### 11/ Legal basis and lawfulness of the processing operation

- Processing operation is necessary in the legitimate exercise of official authority of EFSA as an EU agency pursuant to Article 5 (a) of Regulation EC No 45/2001, namely:
  - o The framework contract(s) signed as a result of a public procurement procedure of EFSA which allows EFSA to hire interim workers (The relevant EFSA public procurement procedure is currently ongoing – see **Annex 3** – call specifications) ;
  - o The EFSA Interim Services Operating Procedure (version dating back to 2011, *under review*) (**Annex 2**)
- The data processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract in the sense of Article 5(c) of Regulation 45/2001.

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

- Staff in charge at the HUCAP Unit for the selection and management of interim staff;
- Staff in charge at the EFSA Unit where the interim worker is allocated ;
- Staff in charge at the RESU P&M Team for the management of contract and monthly time sheets,
- Staff in charge at the Finance Unit of EFSA for the payment of invoices
- Staff in charge at the Service Desk Team (IT Systems Unit) for logistical support (building access, pc/intranet, telephone, etc)
- The EFSA Internal Auditor ;
- Institutions or bodies having a legitimate purpose of audit, of the exercise of supervisory tasks or in charge of judicial proceedings: the Internal Audit Service, the EU Court of Auditors, the EU Ombudsman, OLAF, the competent National Court in Italy, the EU Court of Justice, the European Data Protection Supervisor.

13/ retention policy of (categories of) personal data

RESU P&M Team keeps a paper copy of the file containing the CV until one year after the end of the working period at EFSA. The one-year retention period is motivated by the frequency of repeated interim assignments of the same persons at EFSA within certain time intervals and thus to simplify and avoid duplication of documentary support. After the expiry of the one year retention period, the paper files are destroyed. CVs of non-selected candidates are destroyed immediately after the choice of interim workers is made.

Copies of time sheets as well as the Excel sheets managed by RESU P&M Team and HUCAP Unit are kept as financial supporting documents for a period of 5 years after the budgetary discharge in accordance with the Financial Regulation.

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)

Data subjects can exercise their rights at any time by contacting the HR Head of Unit. Justified requests for blocking and erasure will be handled within 5 working days.

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*):

**X Article 27.2.(b)**

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

*Explanation:* as indicated in point 4 above, an evaluation takes place taking account the information on education level, competences and professional experience provided. Candidate interim workers are interviewed and may have to undergo a test.

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

N/A

**Supporting documents:**

**Annex I** – Privacy Statement and Confidentiality Declaration (*draft*)

**Annex II** – Operating procedure concerning EFSA interim services (2011 version *under review*)

**Annex III** – Terms of Reference call for tenders ‘Provision of interim workers at EFSA’

**Annex IV** – DPO notification by the data controller