

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1425

EIT REGISTRATION NUMBER: 00858.EIT.2016.D.VP

(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 22-12-2016

CASE NUMBER: 2017 - 0033

INSTITUTION: EIT

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY (EIT)
1/E Neumann Janos Street, Infopark, 1117 Budapest, Hungary

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

Unit: Services and Finance (SAF)
Head of Unit: Jari Ahola (Head of Unit until 31 December 2016), Szabolcs Borda (Acting Head of Unit as of 1 January 2017)

3/ NAME OF THE PROCESSING

Selection and recruitment of interim agents at the EIT

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose of processing personal data is to select and contract interim agents to meet the temporary staffing needs of the EIT and thereby ensure the efficient functioning of the institution.

¹ OJ L 8, 12.01.2001.

² Please attach all necessary backup documents

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Applicants for interim positions in line with the Framework Contract for Services concluded between the EIT and the interim agency

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA

In the context of the selection and recruitment of interim agents, the following categories of data are processed, as provided by the applicants as part of their application for the position (CV and possibly a cover letter or motivation letter, interviews with the interim agency and with the EIT): identification data (name, surname, date and place of birth, gender), contact information (postal address, phone number and fax, email), information concerning nationality, education, prior employment, language skills, other work-related skills, outcome of the interviews by the interim agency and the EIT, photo of the applicant if provided (not required by the EIT but applicants may decide to include it in their CV, thereby potentially revealing their racial or ethnic origin).

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The EIT makes sure that the applicants are adequately informed as required by Article 11 of Regulation No. 45/2001.

Information is included in the **privacy statement** (see Annex 1), which is made available by the interim agency to all applicants for interim positions at the EIT. The privacy statement provides information in particular on the identity of the data controller, the purpose of the processing, the types of personal data processed, the data recipients, the retention period, the rights of data subjects and how to exercise them, the legal basis and the grounds for lawfulness of the processing.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

Applicants have the right for information and the right to access their personal data. In addition, applicants have the right for the rectification of their inaccurate or incomplete personal data. In case the applicant contests the accuracy of the data, it is also entitled to obtain blocking of the data. Applicants also have the right to obtain erasure or blocking of their unlawfully processed data.

The exercise of such rights may not result in unequal treatment of the applicants and may not be contrary or harmful to the aim of the selection and recruitment procedure.

Applicants may request the rectification of their identification data at any time during the selection and recruitment procedure. Regarding the personal data relating to the required qualifications for the position, the right of rectification may only be exercised until the deadline for the submission of the application, or in case of an absence of a formal deadline, the transmission of the applications by the interim agency to the EIT.

Exemptions and restrictions to the rights of the 'data subject' as set out in Article 20 of the Data Protection Regulation of the European institutions apply.

The rights of the 'data subject' can be exercised only based on a written request addressed to HR@eit.europa.eu. As a general rule, the requests for information, access, rectification, erasure and blocking are handled within 15 working days from the date of submission of the request. In case the applicant contests

the accuracy of its data, upon request, the data is blocked immediately for the period of verification of the accuracy of the data.

'Data subjects' have the right of recourse at any time to the Data Protection Officer of the EIT (EIT-DPO@eit.europa.eu) and to the European Data Protection Supervisor (EDPS@edps.europa.eu) for matters relating to the processing of their personal data.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The personal data of the applicants are subject to **manual processing throughout the selection and recruitment procedure.**

Applications including CVs are submitted to the interim agency generally by email. The interim agency examines the applications received and carries out a pre-selection of suitable applicants in function of the staffing needs of the EIT. The interim agency is bound to forward at least five applications to the Services and Finance (SAF) Unit of the EIT by email. The Human Resources Section of the Services and Finance (SAF) Unit forwards the applications to the management of the Unit of the EIT with a vacancy for interim staff that decides on the applicants to be shortlisted. The Human Resources Section communicates the information on the shortlisted applicants to the interim agency with the request to arrange the interviews for the EIT. On the basis of the interview conducted by the Selection Board composed of EIT Staff (the Head of Unit or another representative of the unit with a vacancy for interim staff and a staff member of the Human Resources Section), the EIT takes a decision on the candidate to be selected for the assignment and communicates the decision to the interim agency by means of sending an order form.

10/ STORAGE MEDIA OF DATA

In line with the Framework Contract for Services, the interim agency must adopt appropriate technical and organisational security measures in order to prevent any unauthorised person from gaining access to the personal data processed.

Within the EIT, the applications and CVs received are stored in specifically dedicated parts of the common drive accessible only to the staff of the Human Resources Section of the EIT. Paper copies are stored in the offices of the Human Resources Section in locked cupboards accessible only to the staff of the Human Resources Section.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

11.1 Legal basis

Framework Contract for Services concluded between the EIT and Starjobs Hungary Ltd. (see Annex 2).

11.2 Grounds for lawfulness

In line with Article 5(a) of Regulation No. 45/2001, the processing is necessary for the performance of a task carried out in the public interest on the basis of the EU Treaties or other instruments adopted on the basis thereof and for the legitimate exercise of official authority vested in the EIT. In particular, the selection and the recruitment of interim agents for the EIT is necessary for ensuring the efficient functioning of the EIT until the position covered by the interim agent is filled in by staff employed under the Staff Regulations.

Furthermore, the processing is also lawful based on Article 5(d) of Regulation No. 45/2001. Participation in the selection and recruitment procedure is not mandatory. Moreover, the EIT does not require the applicants to submit any special category of data as part of the procedure. If participants decide to share such information for example by means of attaching a photo to their CV this is done on their own initiative and thereby with unambiguous consent.

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

- Within the EIT:

Services and Finance (SAF) Unit, Human Resources Section, management of the EIT Unit with a vacancy for interim position, EIT staff member participating in the Selection Board, Authorising Officer (Interim Director of the EIT)

Access will be given to the Internal Auditor of the EIT by request if necessary for the performance of the duties of the Internal Auditor.

- Within the Commission and other EU institutions and bodies:

For the purpose of safeguarding the financial interests of the European Union, personal data may be disclosed to the Internal Audit Service of the European Commission (IAS), the European Court of Auditors and the European Anti-Fraud Office (OLAF) upon request and to the extent necessary for official investigation or audit purposes.

For the purpose of handling review procedures, personal data may be discussed to the European Ombudsman, the European Data Protection Supervisor, the Civil Service Tribunal, the General Court and the European Court of Justice upon request and to the extent necessary for handling the review procedure.

12.2 Third parties subject to Directive (EC) 95/46

N/A

12.3 Third parties not subject to Directive (EC) 95/46

N/A

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Data of recruited applicants: the personal data of the recruited interim agents is stored in the personnel file throughout the secondment to the EIT. The personnel files will be retained for a period of five years after the budget of the EIT for the employment of interim agents is discharged in accordance with the EU Financial Regulation and the EIT Financial Regulation³.

Data of unsuccessful applicants will be kept for two years from the official starting date of the interim position for the purposes of potential review procedures concerning the selection and recruitment procedure, and for budgetary and audit purposes. In case the length of the review procedure exceeds the period of two years, the relevant data are kept for the duration of the ongoing review procedure.

³ Decision of the EIT Governing Board of 27 December 2013 on adopting the financial regulation of the European Institute for Innovation and Technology, Article 44 paragraph 5

13/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

Requests for blocking and erasure of 'data subjects' are handled by the EIT within 15 days from the date of submission of the request. In case the applicant contests the accuracy of its data, upon request, the data is blocked immediately for the period of verification of the accuracy of the data.

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

Over the time periods indicated under point 13, only anonymous data may be retained in order to provide statistics on the employment of interim agents and on the execution of the Framework Contract for Services.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

Not applicable

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING

The processing operation presents a specific risk justifying prior checking as foreseen in Article 27 paragraph 2 (b): processing operations intended to evaluate personal aspects relating to the data subject.

17/ COMMENTS

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PLACE AND DATE: BUDAPEST, 22 DECEMBER 2016

DATA PROTECTION OFFICER: PATRICIA JUANES BURGOS

EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY