

Opinion on the notification for prior checking from the Data Protection Officer (DPO) of the European Commission regarding the "Application for administering traineeships" case 2008-485

Brussels, 5 June 2009(Case 2008-485)

1. Procedure

Notification within the meaning of Article 27(3) of Regulation No 45/2001 concerning the "Application for administering traineeships" case was given by the Data Protection Officer (hereinafter referred to as the "DPO") of the European Commission by letter received on 21 August 2008.

In connection with this notification, the "facts" section of the draft opinion was submitted to the DPO for verification on 10 October 2008 and replies and additional information were received on 17 November 2008. The opinion was sent to the DPO for comments on 5 December 2008. No comments had been received by 5 June 2009.

2. Facts

The present case concerns a processing operation carried out by the European Commission in the context of the traineeships it organises for young university graduates, and also for people who – as part of lifelong vocational training – are embarking on a new professional career.

The processing operation is based on the Commission Decision of 2 March 2005 on the rules governing the official traineeships scheme of the European Commission (C(2005)458). This Decision is supplemented by Communication SEC(2007)213 of 21 February 2007 "*Responding to strategic needs: reinforcing the use of evaluation*".

The data controller is the Head of Unit of EAC.R.6 "Document management, logistical support and traineeships" under DG Education and Culture.

Purpose of the processing operation

The purpose of the processing operation is to:

- identify all applicants for traineeships at the European Commission;
- support procedures for selecting trainees;
- support procedures for the administrative management of trainees (recruitment, conduct of the traineeship, definition of individual rights, assignment to posts, etc.);
- –support procedures relating to the financial management of trainees;
- compile anonymous statistics on applicants and trainees;

- support periodic evaluations of the traineeship scheme in order to determine its effectiveness, efficiency, usefulness and impact.

Data subjects

The data subjects of this processing operation are traineeship applicants, trainees and former trainees of the Commission.

Selected trainees must be nationals of a European Union Member State or a candidate country with a pre-accession strategy. A limited number of third-country nationals are, however, also accepted. Applicants must have completed the first cycle of a higher education course (university education) and obtained a full degree or its equivalent by the closing date for applications. There is a list of the minimum national qualifications required by the legislation of the country where the degree was obtained.

Description of the processing operation and categories of data concerned

Applications must be submitted in accordance with the procedures laid down by the Traineeships Office and published on the Commission website. To submit a traineeship application, applicants must first of all register by supplying their e-mail address and a password.

Once registered, applicants must complete an application form online, submit it electronically, print it, attach the requisite supporting documents and send them to the Traineeships Office. Applications posted after the deadline are automatically rejected. No further supporting documents will be accepted once the application form has been received.

The application form contains:

- basic personal details (surname, forename, maiden name, gender, marital status, nationality, date, place and country of birth)
- contact details (permanent address, telephone no., e-mail address, name, address and telephone no. of the person to contact in the event of an emergency, etc.)
- additional personal details (dependants, any disability)
- information regarding higher education, professional experience, knowledge of languages, any studies or publications on European subjects, as well as IT and office skills
- information regarding motivation, choice of the type of traineeship, and preferred Directorate(s)-General.

IN ADDITION TO THIS INFORMATION ENTERED ONLINE BY APPLICANTS, THE TRAINEESHIPS OFFICE ALSO COLLECTS INFORMATION SENT ON PAPER BY APPLICANTS:

- applicant's signature
- copy of passport or national identity card
- copy (and, if necessary, a translation) of diplomas and proof of ongoing studies
- proof of language knowledge (copy of diplomas, certificates, etc.)
- where appropriate, proof of professional experience (attestation from employer, etc.)

- where appropriate, additional curriculum vitae and/or letters of reference concerning the applicant.

No data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership or concerning sex life are collected. No extracts from criminal records or the equivalent are collected.

Once the Traineeships Office receives the printed version of the application form, which will previously have been sent electronically, the eligibility of the application is examined on the basis of the criteria established by the Traineeships Office, which are published on the website.

Eligible applicants are admitted to the pre-selection procedure. Pre-selection is conducted by committees composed of Commission officials on the basis of the guidelines and criteria established by the Traineeships Office and published on the website. Committee proceedings are confidential, final and binding. No appeals are possible.

Pre-selected applicants are entered in a database, hereinafter referred to as "the database", available to all Commission departments for final selection. The database contains at least three times more applicants than the number of available traineeships. The application numbers of pre-selected applicants are published on the website.

Depending on the prevailing situation (size of the Directorates-General, absorption capacity, outcome of evaluations, etc.) and the funds available, the Traineeships Office establishes the number of trainees to be assigned to each Directorate-General and each department for each session. A search in the database provides Commission departments with a list of applicants meeting specific criteria and corresponding to a pre-defined "profile" from which they select their trainees. A job description is prepared for each trainee selected by the Directorate-General concerned.

Applicants may withdraw their applications at any time. They must inform the Commission Traineeships Office in writing. Their application is then withdrawn from the subsequent stages of the procedure.

Administration of the trainees recruited involves various processing activities: entering data on the Oracle database; extracting data concerning DG organisational charts from COMREF; generating lists (applications received, multiple applications, lists of trainees, insurance, payments, etc.); printing documents (contracts, certificates, notices of amendments, etc.); generating statistics; sending various e-mails (acknowledgments of receipt, non-eligibility, pre-selection, selection, evaluation, etc.); assignment of numbers (application numbers, staff card, archiving, etc.); generating the payment of grants and travel expenses, legal entities and third party details files and their transfer to ABAC/SINCOM2.

Recipients of the data

This depends mainly on the type of traineeship (administrative or translation) and on how many stages of the selection process the applicant passes.

In the case of applicants for an *administrative traineeship*, the Traineeships Office has access to their data and paper file throughout the entire process. The eligibility check is performed by the Traineeships Office.

In the case of applicants for a *translation traineeship*, the Traineeships Office and the DG Translation (DGT) traineeship department have access to their data throughout the entire process. The eligibility check is performed by the DGT traineeship department. The original (paper) files of selected applicants are transferred to the Traineeships Office upon recruitment and DGT keeps a copy.

The Traineeships Office may supply the basic personal details (surname, forename, gender, nationality, postal and e-mail addresses) of all applicants to an external contractor for the purposes of conducting an evaluation of the effectiveness and usefulness of the Commission's traineeship scheme. The contractor will be bound by confidentiality clauses prohibiting the use of these data for any purposes other than evaluation and prohibiting the transmission of these data to third parties. The data will be erased by the contractor as soon as the Commission receives the final report.

The data may also be disclosed to the following departments:

IN THE CASE OF APPLICANTS FOR AN ADMINISTRATIVE TRAINEESHIP:

- *APPLICANTS ELIGIBLE FOR PRE-SELECTION: THE APPLICANT'S PRE-SELECTION COMMITTEE (ELECTRONIC DATA CONTAINED IN THE ONLINE FORM AND PAPER APPLICATION FILE).*
- *PRE-SELECTED APPLICANTS: THE COMMISSION'S HUMAN RESOURCES DEPARTMENTS HAVE ACCESS TO THE ELECTRONIC DATA IN THE ONLINE FORM. PARTIAL ACCESS TO THE ELECTRONIC DATA IN THE ONLINE FORM IS GRANTED TO ALL COMMISSION DEPARTMENTS: MARITAL STATUS, DATE, PLACE AND COUNTRY OF BIRTH, CONTACT DETAILS AND ADDITIONAL PERSONAL DETAILS ARE LEFT OUT. THESE DEPARTMENTS USE THE DATA TO IDENTIFY SUITABLE APPLICANTS FOR TRAINEESHIP VACANCIES.*

IN THE CASE OF APPLICANTS FOR A TRANSLATION TRAINEESHIP:

- *APPLICANTS ELIGIBLE FOR PRE-SELECTION: THE PRE-SELECTION COMMITTEE FOR THE APPLICANT'S LANGUAGE DEPARTMENT (ELECTRONIC DATA CONTAINED IN THE ONLINE FORM AND PAPER APPLICATION FILE).*
- *PRE-SELECTED APPLICANTS: THE APPLICANT'S LANGUAGE DEPARTMENT (ONLY THE PAPER APPLICATION FILE).*

FOR ALL TRAINEES SELECTED:

- *LISTS OF SELECTED APPLICANTS AND TRAINEES ARE FORWARDED (SURNAME, FORENAME, GENDER, DATE OF BIRTH, TRAINEESHIP PERIOD) TO OTHER EUROPEAN INSTITUTIONS WHO SO REQUEST, WITH THE SOLE PURPOSE OF IDENTIFYING ANY APPLICANTS FOR TRAINEESHIPS AT THESE INSTITUTIONS WHO HAVE ALREADY COMPLETED A TRAINEESHIP AT THE COMMISSION.*
- *LISTS OF TRAINEES ARE SENT (SURNAME, FORENAME, GENDER, DATE OF BIRTH, TRAINEESHIP PERIOD) TO THE BELGIAN AUTHORITIES FOR ADMINISTRATIVE PURPOSES (VISAS, RESIDENCE PERMITS, ETC.).*
- *UPON REQUEST, LISTS OF TRAINEES (SURNAME, FORENAME, GENDER) ARE SENT TO THE PERMANENT REPRESENTATIONS TO THE EUROPEAN INSTITUTIONS (ONLY FOR TRAINEES FROM THE COUNTRY CONCERNED).*

Data storage

- Applications left at the draft stage on the Commission website (not submitted): only stored until the deadline for applications.
- Applications submitted but unsuccessful: stored for two years following the deadline for recruitment (deadline for lodging an appeal).
- Successful applications (trainees): complete file stored for five years, while documents and data allowing certificates to be drawn up, in particular in the case of a career record, stored for fifty years.

Certain data (country, gender, date of birth) concerning submitted but unsuccessful applications are stored beyond the time-limit of two years in order to compile statistics. Other data (surname, forename, address, etc.) are erased, making it impossible to identify individuals.

Procedures safeguarding the data subject's rights

Data subjects may themselves consult the data on the application form and correct them while the application is still at the draft stage. Once the application is submitted electronically, it is no longer possible to amend the data or add further data ("read-only" access).

Once the deadline for applications has passed, it is no longer possible to consult the data online.

After submitting the application, data subjects may write to the Traineeships Office by post to:

- request a copy of the data entered on the form;
- inform it of any changes to their correspondence address (postal address and/or e-mail) or marital status;
- request withdrawal of their application and erasure of the data concerning them.

Upon receipt of a reasoned request, the Traineeships Office grants access or enters the amendments immediately.

Information provided to data subjects

A specific privacy statement concerning the system for administering applications for an official traineeship at the European Commission is available on the Commission website on the page relating to traineeships.

The statement contains information on the purpose of the data collection, the data collected, the technical methods used for the collection, the data recipients, the time-limit for data storage, procedures safeguarding the rights of data subjects, security measures taken to prevent any abuse of or unauthorised access to the data, contact points in the event of questions or complaints.

Security measures

[...]

3. Legal issues

3.1. Prior checking

The notification relates to processing of personal data ("*any information relating to an identified or identifiable natural person*" – Article 2(a) of Regulation (EC) No 45/2001). The data processing in question is carried out by an institution in the exercise of activities which fall within the scope of Community law (Article 3(1)). The processing is essentially automated. In particular, the process of entering the traineeship applications is automated. The collection of data concerning the traineeship applications and supporting documents is then carried out manually. The data collected form part of a filing system. Article 3(2) therefore applies.

This processing therefore falls within the scope of Regulation (EC) No 45/2001.

Article 27(1) of Regulation (EC) No 45/2001 makes subject to prior checking by the EDPS processing operations likely to present specific risks to the rights and freedoms of data subjects. Article 27(2) contains a list of processing operations likely to present such risks, such as "*processing of data relating to health and to suspected offences, offences, criminal convictions or security measures*" (Article 27(2)(a)) and "*processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct*" (Article 27(2)(b)). The data in question are indeed personal data intended to evaluate personal aspects relating to the data subject, i.e. their ability to complete a traineeship at the Commission. Furthermore, since data concerning disabilities are also collected under the selection procedure, the processing is likely to present risks within the meaning of Article 27(2)(a). This case therefore falls within the scope of the prior checking procedure.

In principle, checks by the EDPS should be performed before the processing operation is implemented. Otherwise, the checking necessarily becomes *ex post*. This does not make it any less desirable that the recommendations issued by the EDPS be implemented.

The DPO's notification was received on 21 August 2008. Pursuant to Article 27(4) of the Regulation, the European Data Protection Supervisor should have delivered his opinion within two months. The procedure was suspended during August 2008 for a period of 38 days pending information and for 182 days pending comments.

3.2. Lawfulness of the processing

The lawfulness of the processing operation must be examined in the light of Article 5(a) of Regulation (EC) No 45/2001, which provides that processing must be "*necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities [...] or in the legitimate exercise of official authority vested in the Community institution*". According to recital 27 of the Regulation the "*processing of personal data for the performance of tasks carried out in the public interest by the Community institutions and bodies includes the processing of personal data necessary for the management and functioning of those institutions and bodies*".

The processing operation under consideration involves the collection of data concerning individuals wishing to apply for a traineeship at the Commission. The selection procedure for these applicants falls within the scope of performance of a task carried out in the public interest on the basis of legal instruments adopted on the basis of the Treaties establishing the European

Communities and in the legitimate exercise of official authority vested in the Community institution. This task within the meaning of Article 5(a) of the Regulation is in particular intended to provide the applicants concerned with a practical knowledge of the functioning of Commission departments as part of their studies or professional life. The processing operation is therefore lawful.

In accordance with statements by the data controller, the legal basis for the processing is the Commission Decision of 2 March 2005 on the rules governing the official traineeships scheme of the European Commission (C(2005)458). This Decision is supplemented by Communication SEC(2007)213 of 21 February 2007 "*Responding to strategic needs: reinforcing the use of evaluation*". The legal basis is valid and supports the lawfulness of the processing.

3.3. Processing of special categories of data

Under Article 10 of the Regulation, the processing of personal data concerning health is prohibited unless grounds can be found in Article 10(2) and (3). In certain cases personal data concerning health are processed as applicants must declare any disabilities.

In this case, Article 10(2)(b) applies: "*paragraph 1 (prohibiting the processing of data relating to health) shall not apply where: processing is necessary for the purposes of complying with the specific rights and obligations of the controller in the field of employment law insofar as it is authorised by the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof ...*". This case refers to processing introduced in order to comply with the provisions of the Staff Regulations on the condition of being "physically fit to perform his duties"¹. Although the Staff Regulations and Conditions of Employment of Other Servants are not directly applicable to trainees, the underlying reasons for these provisions can be applied *mutatis mutandis* to trainees.

The processing operation therefore complies with Article 10 of Regulation (EC) No 45/2001.

3.4. Data quality

The data must be "*adequate, relevant and not excessive in relation to the purposes for which they are collected and/or further processed*" (Article 4(1)(c) of Regulation (EC) No 45/2001). After examining the information supplied in the notification, the EDPS takes the view that the data collected as part of this processing operation are adequate, relevant and not excessive in relation to the purposes for which they are collected.

In accordance with Article 4(1)(d) of the Regulation, personal data must be "*accurate and, where necessary, kept up to date*" and "*every reasonable step must be taken to ensure that data which are inaccurate or incomplete, having regard to the purposes for which they were collected or for which they are further processed, are erased or rectified*". The procedure in place gives sufficient cause to believe that the data are accurate and kept up to date. The system itself also helps to ensure that the data are accurate and up to date as it is the data subject himself who supplies the data submitted for processing. Moreover, the data subject has the right to access and rectify data, which helps ensure that they are kept up to date and that the file is as complete as possible. This is a second way of ensuring the quality of data. For a discussion of these rights, see section 3.8 below.

¹ Article 28(e) of the Staff Regulations and Article 12(d) of the Conditions of Employment of other Servants.

Lastly, the data must also be processed "*fairly and lawfully*" (Article 4(1)(a) of Regulation (EC) No 45/2001). The lawfulness of the processing has already been discussed (see section 3.2 above). As regards fairness, this relates to the information given to the data subjects. See section 3.8 below.

3.5. Data storage

Article 4(1)(e) of Regulation (EC) No 45/2001 lays down the principle that data must be "*kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected or for which they are further processed*".

The paper and electronic files relating to unsuccessful applications are kept for two years starting from the deadline for recruitment. The EDPS considers that the storage period of two years for electronic data and data in paper form is reasonable and not excessive in view of the purpose for which they are collected. This period is justified by the deadline for admitting any complaints.

Complete files relating to successful applications (trainees) are kept for five years. Data allowing certificates to be drawn up, especially in the case of a career record, are kept for fifty years. The EDPS considers that the storage period of five years for complete files is reasonable and not excessive. With regard to storing certain data for fifty years, the EDPS recommends storing only those identifying data which are strictly necessary for the data subject's career record (surname, forename, date of birth, time of traineeship, traineeship unit and DG). All supporting documents and other data must be destroyed after five years.

As applicants may withdraw their applications during the selection procedure, a flexible approach must be adopted for such cases. The EDPS considers that those data subjects should be able to request and obtain erasure of their personal data.

Certain data (country, gender, date of birth) on submitted but unsuccessful applications are stored beyond the time-limit of two years in order to compile statistics. As the data are anonymous and the size of the sample is sufficiently large to effectively guarantee the anonymity of the data subjects, the EDPS considers the data storage time-limit to be compliant with Article 4(1)(e) of the Regulation. However, it should be noted that the data must not under any circumstances be used for any purpose other than for historical, statistical or scientific purposes.

3.6. Transfer of data

The processing operation should also be scrutinised in the light of Article 7 of Regulation (EC) No 45/2001. The processing covered by Article 7(1) is the transfer of personal data between or within other Community institutions or bodies "*if the data are necessary for the legitimate performance of tasks covered by the competence of the recipient*".

Data concerning applicants eligible for pre-selection are sent outside the department responsible to members of the applicant's pre-selection committee. Certain data concerning pre-selected applicants, with the exception of identifying data, are sent to all Commission departments. These transfers are necessary in order to identify suitable applicants for traineeship vacancies.

The forwarding of lists of selected applicants and trainees (surname, forename, gender, date of birth, traineeship period) to other European institutions who so request is necessary for the

purpose of identifying any applicants for traineeships at these institutions who have already completed a traineeship at the Commission.

As for transfers in exceptional cases to parties such as the audit department, the Civil Service Tribunal, the European Ombudsman or the EDPS, the EDPS considers these to be in compliance with Article 7 of the Regulation as they are in principle necessary for the legitimate performance of tasks covered by the competence of the recipient.

Article 7(3) of Regulation (EC) No 45/2001 provides that "*the recipient shall process the personal data only for the purposes for which they were transmitted*". The European Data Protection Supervisor would therefore like particular attention to be paid to ensuring that personal data are only transferred if the transfer is strictly necessary for the legitimate performance of tasks covered by the competence of the recipient. The EDPS also recommends that, when transfers are made, the department responsible should remind recipients to process the data only for the purposes for which they were transmitted.

Certain transfers of data should also be scrutinised in the light of Article 8 of Regulation (EC) No 45/2001. Processing under Article 8 deals with the transfer of personal data to recipients, other than Community institutions and bodies, subject to Directive 95/46/EC. The transfers may be effected only:

"(a) *if the recipient establishes that the data are necessary for the performance of a task carried out in the public interest or subject to the exercise of public authority, or*
(b) *if the recipient establishes the necessity of having the data transferred and if there is no reason to assume that the data subject's legitimate interests might be prejudiced.*"

Article 8 of the Regulation applies to the transfer of data to the Belgian authorities in order to assist the process of obtaining visas or residence permits. In such cases, the recipient could establish that the transfer was necessary *for the performance of a task subject to the exercise of public authority* (issuing of permits or visas). Furthermore, such a transfer does not harm the legitimate interests of the data subject as it allows the trainee to stay in Belgium to complete the traineeship at the Commission.

THE TRANSFER OF CERTAIN DATA CONCERNING THE TRAINEE (SURNAME, FORENAME, GENDER) TO THE RELEVANT PERMANENT REPRESENTATIONS TO THE EUROPEAN INSTITUTIONS IS ALSO SUBJECT TO ARTICLE 8 OF THE REGULATION, PROVIDED THAT THESE COUNTRIES APPLY DIRECTIVE 95/46/EC. UNDER ARTICLE 8, IT IS IN PRINCIPLE FOR THE RECIPIENT TO ESTABLISH THE NECESSITY OF HAVING THE DATA TRANSFERRED AND THERE CAN BE NO REASON TO ASSUME THAT THE DATA SUBJECT'S LEGITIMATE INTERESTS MIGHT BE PREJUDICED. BEFORE EFFECTING SUCH A TRANSFER, THE DEPARTMENT RESPONSIBLE MUST ASCERTAIN THE PURPOSE OF THE DATA TRANSFER BY THE PERMANENT REPRESENTATION IN QUESTION AND ASSESS THE NEED FOR THE TRANSFER ON A CASE-BY-CASE BASIS.

The Traineeships Office may supply the basic personal details (surname, forename, gender, nationality, postal and e-mail addresses) of all applicants to an external contractor for the purpose of conducting an evaluation of the effectiveness and usefulness of the Commission's traineeship scheme. The contractor is bound by confidentiality clauses prohibiting the use of these data for any purposes other than evaluation and prohibiting the transmission of these data to third parties. The contract stipulates that the data will be erased by the contractor as soon as the Commission receives the final report. The EDPS considers that the processing operation is necessary in order to perform a task in the public interest. The transfer therefore complies with the requirements of Article 8 of the Regulation.

In the event, unlikely in practice, that the external contractor is situated in a country not covered by Directive 95/46/EC, Article 9 of the Regulation applies. Under Article 9, transfer may only take place to a country offering an adequate level of protection. If the level of protection is not adequate, the data subject must give his consent to the transfer in accordance with Article 9(6)(a).

3.7. Right of access and rectification

Article 13 of Regulation (EC) No 45/2001 establishes a right of access – and the arrangements for exercising it – upon request by the data subject. Under Article 13 of the Regulation, the data subject has the right to obtain from the controller, without constraint, communication in an intelligible form of the data undergoing processing and any available information as to their source.

Article 14 of Regulation (EC) No 45/2001 provides the data subject with a right of rectification. In the same way that the data subject has a right of access, he or she may also directly change personal data or have them changed, if necessary.

According to the notification, data subjects are afforded these rights.

The EDPS notes that applicants should have access to their complete file, including notes on them written by the trainee pre-selection or selection committee. The EDPS is aware of the limits to this right of access. Such limits may be justified in accordance with Article 20(1)(c) by the protection of the rights of third parties such as other applicants and members of the various selection bodies. Marks awarded by specific members of these bodies or any data drawing comparisons with other traineeship applicants may not therefore be disclosed to applicants.

The right of rectification applies to factual data only. Marks and assessments at the discretion of selection bodies may not be "rectified" by data subjects outside the context of appeal procedures.

With regard to application forms, the EDPS considers that the procedure affording data subjects the opportunity to rectify data on the form before the application is submitted electronically meets the requirements of the Regulation in respect of access to and rectification of data. Naturally, after submitting the application electronically, data subjects must be able to request by post the rectification of their factual data by the Traineeships Office.

3.8. Information provided to the data subject

Articles 11 and 12 of Regulation (EC) No 45/2001 relate to the information to be given to data subjects in order to ensure transparency in the processing of personal data. These articles list a series of compulsory and optional items of information. The optional items are applicable insofar as, having regard to the specific circumstances of the processing operation, they are required to guarantee fair processing in respect of the data subject.

The provisions of Article 11 (*Information to be supplied where the data have been obtained from the data subject*) apply in the present case, since the data subjects complete their Commission traineeship application form and supply the necessary supporting documents themselves. The provisions of Article 12 (*Information to be supplied where the data have not been obtained from the data subject*) apply to the evaluation data.

A specific privacy statement concerning the system for administering applications for an official traineeship at the European Commission is available on the Commission website on the page relating to traineeships. The statement contains all the information set out in Articles 11 and 12 of the Regulation.

3.9. Security

Under Article 22 of the Regulation, the controller shall implement appropriate technical and organisational measures to ensure a level of security appropriate to the risks presented by the processing and the nature of the personal data to be protected. These security measures must in particular prevent any unauthorised disclosure or access, accidental or unlawful destruction or accidental loss, or alteration and prevent all other forms of unlawful processing.

On the basis of the information available, the EDPS has no reason to believe that the Commission has not implemented the security measures required under Article 22 of Regulation (EC) No 45/2001.

Conclusion:

The proposed processing does not appear to involve any infringement of the provisions of Regulation (EC) No 45/2001 provided that the comments made above are taken into account. This implies, in particular, that the Commission should:

- reassess the categories of data stored and their respective storage periods as indicated in section 3.5
- pay particular attention to ensuring that personal data are only transferred if the transfer is strictly necessary for the legitimate performance of tasks covered by the competence of the recipient and remind recipients to process the data only for the purposes for which they were transmitted
- guarantee the right of access to evaluations carried out as part of the process for recruiting trainees.

Done at Brussels, 5 June 2009

(signed)

Giovanni BUTTARELLI
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