EUROPEAN DATA
PROTECTION SUPERVISOR

NOTIFICATION

INFORMATION TO BE GIVEN[1]

1/ NAME AND FIRST NAME OF THE CONTROLLER

EUROPEAN DATA PROTECTION SUPERVISOR
RUE MONTOYER 63, BRUXELLES

2/ SERVICE RESPONSIBLE FOR PROCESSING PERSONAL DATA

Human resources, budget and administration

UNIT MANAGER - LEONARDO CERVERAS NAVAS

3/ NAME AND DESCRIPTION OF THE PROCESSING OPERATION

SELECTION AND MANAGEMENT OF INTERIM STAFF AT THE EDPS

4/ PURPOSE(S) OF THE PROCESSING

The purpose of processing of personal data in this context is to meet the needs of selection and management of interim contracts at the EDPS site.

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1 Please attach all relevant documents

Description of the processing:

Recruitment of interim staff is organised to address temporary needs of the EDPS Secretariat. Interims can be hired on short term basis: maximum 6 months or 120 days worked, after which an interim may be recruited again only after a break of 1 month.

After a decision to recruit an interim staff is taken at Director's meeting, the HR team sends a request to the interim agency. Following this request, relevant CV's for a given profile are sent by the interim agency to the HR team. The HR team discusses the application(s) with the Head of the Unit or Sector that made the request and a selection is made. The CV's of non-selected candidates are destroyed. The HR Team sends an e-mail to the interim agency confirming the name of the selected candidate and the period of work.

A paper file is created for each interim staff, to keep all the relevant documents (e.g. CV, copies of future timesheets). This file is kept during the period worked plus one month, in order to check that the maximum duration is respected. After one month from the end of the period worked, this paper file is destroyed.
The data of the selected candidate are registered in the personnel database Sysper2, as the interim staffs hold a post in the Sysper2 organisation chart.

The selected candidate starts working at the EDPS and fills in weekly time sheets for the interim agency, which are signed by the hierarchical superior and by one member of the HR Team. Then the interim staff sends the original to the interim agency and leaves a copy to the HR Team (which is kept in the paper file). Every month the interim agency sends the bills to the EDPS, together with the original time sheets. The Finance Team compares the recorded working hours with the hours invoiced by the interim agency (the files are kept under the provisions set in the Financial Regulation).

5/ DESCRIPTION OF THE CATEGORY(IES) OF DATA SUBJECT(S)

Interims: external subjects who are contracted by the interim agency

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6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (INCLUDING, IF APPLICABLE, SPECIAL CATEGORIES OF DATA (ARTICLE 10) AND/OR ORIGIN OF DATA)

Personal data: Last name, First name, CV

7/ INFORMATION TO BE PROVIDED TO THE DATA SUBJECTS

Under the Belgian National law, the data subjects are informed by the interim agency that their data can be used and submitted to third parties with regard to their eventual employment at the third parties premises

The interim workers are informed about the processing of their data at the time of the recruitment via the following Privacy Statement which is sent to them by e-mail:

Data protection legal notice

Regulation 45/2001 (herein after the Regulation) applies to the processing of personal data carried out in the recruitment of the EDPS interim workers.

Further to Article 11 and Article 12 of this Regulation, the EDPS provides the applicants with the following information:

- The controller is the EDPS.
- The purpose of the processing is to recruit interim staff.
- The data which will be used only for that processing are the relevant documents necessary to achieve the recruitment: Last name, First name, CV.
- The recipients of the data are:
    - the heads of the services requesting the interim staff (Head of Unit or Heads of Sector)
    - the Administration team for access request
    - the EDPS Financial team for payment of invoices

- The interim workers have the right of access and the right to rectify the data concerning them by contacting the Human Resources Team.
- The legal basis of the processing operation is the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof, subsidiarily the framework contract under which cover interims can be hired (the tender procedures organised by the European Commission) and the Procedure for Recruitment and management of Interim Staff of 5/7/2012.
- The time limit for storing the data is one month from the end of the period worked (both paper and electronic files).
- The interim workers have the right to have recourse at any time to the EDPS Data Protection Officer (DPO).

8/   PROCEDURES TO GRANT DATA SUBJECTS' RIGHTS (RIGHTS OF ACCESS, TO RECTIFY, TO BLOCK, TO ERASE, TO OBJECT)

In case the data subject wishes to ask for incorrect data to be corrected in his file, he can contact the HR team.

9/   AUTOMATED / MANUAL PROCESSING OPERATION

Manual procedure: the HR team keeps a copy of all the needed information in the paper file (such as the CV and the timesheets) until the end of the working period (to check that the period worked does not exceed the maximum period authorised (6 months or 120 days worked).
The names of the interim workers and the period worked are registered in an Excel sheet on a secured folder in the common drive.

10/ STORAGE MEDIA OF DATA

Paper and electronic media (Excel sheet).

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Legal basis of Processing:

- Treaties establishing the European Communities or other legal instruments adopted on the basis thereof.
- Subsidiarily the framework contract under which cover interims can be hired (the tender procedures organised by the European Commission).
- EDPS Procedure for recruitment and management of interim staff, of 5/7/2012.

Art. 5 a) is applicable as the processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof or in the legitimate exercise of official authority vested in the Community institution or body .
Art 5 c) is applicable as the 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.

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

- the heads of the services requesting the interim staff (Head of Unit or Heads of Sector)
- the Administration team for access request
- the EDPS Financial team for payment of invoices

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

PAPER FILE INCLUDING CV AND SPREADSHEETS OF INTERIM STAFF: the HR team keeps a copy of the file until one month after the end of the working period (to check that the period worked does not exceed the maximum period authorised (6 months or 120 days worked).
The names of the interim workers and the period worked are registered in an Excel sheet on a secured folder in the common drive.
One month after the end of the working period the sheets are destroyed and the names of the interim workers are deleted from the Excel sheet.

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13 BIS/ TIME LIMITS FOR BLOCKING AND ERASURE OF THE DIFFERENT CATEGORIES OF DATA
(further to justified legitimate request from the data subject)
(Please, specify the time limits for every category, if applicable)

Time limit to block/erase data on justified legitimate request from the data subjects

Upon a justified request by the data subject the personal data will be modified within 14 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

NOT APPLICABLE

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

NOT APPLICABLE

16/ FURTHER INFORMATION

The data controller declares the accuracy of the above statements and undertakes to notify any change affecting this information to the Data Protection Officer.

PLACE AND DATE: BRUSSELS, 6/7/2012

THE CONTROLLER: LEONARDO CERVERA NAVAS