

**REGISTER NUMBER: 52**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 7 November 2005

Case number: 2004-273

Institution: European Central Bank

Legal basis: article 27-5 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

Deputy Director General Human Resources Budget and Organisation  
European Central Bank  
Kaiserstrasse 29  
D-60311 Frankfurt am Main

2/ Organisational parts of the institution or body entrusted with the processing of personal data  
Directorate General Human Resources Budget and Organisation (DG-H) - Recruitment and Staff Development Division

3/ Name of the processing

Assessment of management skills of invited candidates for vacant positions at management level.

4/ Purpose or purposes of the processing

Purpose of the processing is to assess the managerial capabilities of invited candidates for vacancies at management level via a structured interview with representatives of an external consultant (processor). Based on the interview the processor produces an assessment report which is sent to the ECB's Recruitment and Staff Development Division and is then made available to all members of the respective Selection Committee as input for the Committee's deliberations on the suitability of candidates for appointment to managerial positions.

5/ Description of the category or categories of data subjects

All invited candidates for vacant positions at management level at the ECB. These persons can be either ECB staff members or external candidates because vacancies for managerial positions are usually published internally and externally at the same time.

6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)

Basic personal data of the candidates and data related to their managerial capabilities as they are laid down in the relevant assessment reports.

7/ Information to be given to data subjects

- a) All candidates applying on-line can access the general data protection information published on the Career Pages ("Working for Europe") of the Website of the ECB. It should be taken into consideration that applying on-line represents the only possibility of applying for ECB vacancies.
- b) On the same part of the ECB Website ("Working for Europe") candidates can also view the following information: "For managerial positions, an assessment of the invited applicant's managerial skills is conducted in Frankfurt am Main by an external consultant".
- c) According to Art. 7.7 of Administrative Circular 5/2004 on "Rules for Recruitment" the Directorate General Human Resources Budget and Organisation informs also candidates invited for the selection procedure in advance of the test(s) and/or other selection tools to be used.
- d) Candidates which are ECB staff members can also access the Administrative Circular 5/2004 on "Rules for Recruitment" published on the ECB's intranet site.
- e) For any additional information falling under the scope of Art. 11 and 12 of the Regulation, candidates can contact the Controller.

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

- a) As to the exercise of the right of access (Art. 13):

Invited candidates are offered the possibility to contact the external consultant's representative(s) conducting the interview and to obtain verbal feedback on their managerial skills. The Report containing the external consultant's assessment of the candidates is regarded as confidential and will not be provided to the candidates.

- b) As to Art. 14 of the Regulation (Rectification), the Controller can consider rectification only of facts (basic data) contained in the assessment report and not of other data as they are related to assessments.

- c) As to the exercise of all other rights laid down in Section 5 of the Regulation, the data subject shall contact the Controller.

9/ Automated / Manual processing operation

Personal data contained in the assessment reports do not undergo any automated processing operation within the ECB. Only the hard copy of the assessment report is kept by the Controller.

10/ Storage media of data

Hard copies of the assessment reports.

11/ Legal basis and lawfulness of the processing operation

- a) Article 20 of the Decision of the European Central Bank of 19 February 2004 adopting the Rules of Procedure of the European Central Bank (ECB/2004/2);
- b) Article 7.7 of Administrative Circular 5/2004 on "Rules for Recruitment" reading as follows:

"In agreement with the Directorate Human Resources, tests and other selection tools, as appropriate, may form part of the selection procedure. The Directorate Human Resources shall inform candidates invited for the selection procedure in advance of the test(s) and/or other selection tools to be used".

- c) Article 9 (c) of the Conditions of Employment for Staff of the European Central Bank

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

The only recipients of personal data related to the management skills assessments can be:

- a) All members of the respective Selection Committee and, at their request, those who make the final recruitment decision.
- b) A limited group of staff members, authorised by the Controller, working in the field of Human Resources.

13/ retention policy of (categories of) personal data

One hard copy of the report is kept by the Recruitment and Staff Development Division for six months, reason being that following the interview(s), a candidate may be selected to fill the position, rejected or put on a reserve list. On the basis of the Selection Committee's recommendations, a candidate placed on a reserve list may be appointed to a position similar to that for which he/she was interviewed, within the same recruiting area. Reserve lists are valid for a period of six months.

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)*

There is no special period foreseen for blocking and erasure of the data.

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,*

There are no specific rules or procedures in place concerning longer storage periods for historical, statistical or scientific purposes.

15/ Proposed transfers of data to third countries or international organisations

There are no proposed transfers of the data related to the assessment reports to third countries or international organisations.

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):

AS FORESEEN IN:

Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

**X Article 27.2.(b)**

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

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**

It is to be noted that, with letter of 16 August 2005, the ECB's DPO consulted the EDPS as regards the procedure currently followed at the ECB for the assessment of management skills (access right of data subjects to assessment reports). Mr. Bayo Delagdo sent his response with letter of 5 October 2005.

PLACE AND DATE: Frankfurt am Main, 7 November 2005

DATA PROTECTION OFFICER: Wolfgang Sommerfeld [signed]

INSTITUTION OR BODY: European Central Bank