

**REGISTER NUMBER: 120**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 31/08/2006

Case number: 2006-416

Institution: European Commission

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

2) Name and First Name of the Controller: DRAKE Joanna

3) Title: Head of Unit

4) Directorate, Unit or Service to which the Controller is attached: B.

5) Directorate General to which the Controller is attached: COMM

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

26) External Company or Directorate General to which the Processor is attached:

25) External Company or Directorate, Unit or Service to which the Processor is attached:

3/ Name of the processing

Malta Representation: Local recruitment of contractual agents

4/ Purpose or purposes of the processing

The purpose of the recruitment of contractual agents is to implement the annual management plan for the Representation in Malta as what concerns the operation of the Representation.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

The data subjects are the applicants who have submitted an application including CV for an advertised post as contractual agent.

16) Category(ies) of Data Subjects:

The data subjects are the applicants who have submitted an application for an advertised post as contractual agent.

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

17) Data field(s) of Data Subjects:

Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10

Name, address, telephone number, fax number, e-mail, age, date of birth, title, profession, references, attached documents.

Any other information submitted by the applicant as requested in the advertisement in order to verify education, experience and competence for the post advertised and to allow the evaluators to establish that the candidate corresponds to the selection criteria as foreseen in the advertisement.

18) Category(ies) of data fields of Data Subjects:

Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10

Name, address, telephone number, fax number, e-mail, age, date of birth, title, profession, references, attached documents.

Any other information submitted by the applicant as requested in the advertisement in order to verify education, experience and competence for the post advertised and to allow the evaluators to establish that the candidate corresponds to the selection criteria as foreseen in the advertisement.

7/ Information to be given to data subjects

15a) Which kind of communication(s) have you foreseen to inform the Data Subjects as described in articles 11 - 12 under 'Information to be given to the Data Subject'

The advertisement will include a clause (see attached) informing the applicants that the information collected and further processed for the purpose of recruitment of local agents in the Representation in Malta will be treated with strict confidentiality and in line with the Data Protection Regulation. The clause includes appropriate contact data and points to the web site of the Malta Representation where a full-fledged Privacy Statement will be accessible.

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

15b) Which procedure(s) did you put in place to enable Data Subjects to exert their rights: access, verify, correct, etc., their Personal Data as described in articles 13 - 19 under 'Rights of the Data Subject' :

The advertisement will include a clause (see attached) informing the applicants that the information collected and further processed for the purpose of recruitment of local agents in the Representation in Malta will be treated with strict confidentiality and in line with the Data Protection Regulation. The clause includes appropriate contact data and points to the web site of the Malta Representation where a full-fledged Privacy Statement will be accessible.

The applicants can, at any time, request to verify and correct the information stored in the Representation in Malta in relation to the recruitment process.

#### 9/ Automated / Manual processing operation

##### 7) Description of Processing:

Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

In the event no EPSO-list is available for selection of candidates for posts available in the Representation in Malta a local recruitment process will have to take place. This includes advertising, registration of applications, evaluation of applications, shortlisting, interviews and transferring of the final shortlist to DG COMM for the completion of the recruitment process in line with procedures laid down by EPSO and DG ADMIN.

All applications are registered in ADONIS with a scanned copy of the cover letter attached. CVs are filed and stored in a locked cupboard with the Administration.

Included in the documents transferred to DG COMM for completion of the recruitment process is a request to EPSO for setting up the test and the CV of each candidate included in the final shortlist.

##### 8) Automated Processing operation(s):

Registration of applications, shortlisting of candidates.

Establishing evaluation documents.

Applications are registered in the Commissions central registration system ADONIS with a scanned copy of the cover letter to the application attached, CVs are filed in a locked cupboard with the Administration as long as the recruitment process is going on.

Spontaneous applications not linked to a specific recruitment process are sent back to the applicant with an information that we do not keep CVs and that there is a possibility to register the CV on the Europa web-site.

An application called CAST is an application managed by EPSO in which the final shortlisted candidates will be included. This database is created to help EPSO to manage candidate data and to create a database of preselected candidates. CAST is based on Web technologies and a central database stored in the data Centre of the Commission.

9) Manual Processing operation(s):

Evaluation of certificates and CVs submitted.

Verification of certificates of police conduct, driving licence, address etc.

Applications including CVs are filed in a locked cupboard with the Administration during the length of the recruitment process and thereafter destroyed.

Spontaneous application are sent back see point 8.

10/ Storage media of data

The data as stored on the shared network drive of the server located in the Representation in Malta. The paper documents are stored in the office of the administration inside the Representation.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Rules applicable to other agents in the Commission as of regulation (CEE, Euratom, CECA) nr 259/68 of the Council laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (Conditions of Employment of Other Servants).

12) Lawfulness of Processing:

Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

The processing operations on personal data are necessary and lawful under article 5(a) of Regulation 45(2001).

The processing operations on personal data fall under article 27.2(b)

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

20) Recipient(s) of the Processing:

In order to finalise the recruitment, the shortlist and the CV's are sent to DG COMM Directorate D - "Resources" - including a request for a test to be set up by EPSO. These documents are thereafter transferred to EPSO and DG ADMIN including PMO by DG COMM for the finalisation of the recruitment process.

Representatives from DG COMM Directorate D -"Resources" -, Directorate B -"Representations and network", The Representation and staff representatives will participate in the final interview after the EPSO-test and will therefore have access to the documents.

21) Category(ies) of recipients:

EPSO is the agency responsible for maintaining a reserve list for potential candidates for posts available in the Institutions

Directorate General for personnel and administration (DG ADMIN).

Directorate D -"Resources" - in DG COMM responsible for personnel files.

Directorate B -"Representations and networks".

13/ retention policy of (categories of) personal data

The documents related to the recruitment will be kept for the total length of the recruitment process and will then be destroyed, this period will be a maximum of 2 years.

The documents related to the personnel file will be stored in DG ADMIN.

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)  
(on justified legitimate request from the data subject)  
(Please, specify the time limits for every category, if applicable)

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

Two weeks

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,*

22 c) 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

27) Legal foundation of transfer:

Only transfers to third party countries not subject to Directive 95/46/EC (Article 9) should be considered for this question. Please treat transfers to other community institutions and bodies and to member states under question 20.

Not applicable

28) Category(ies) of Personal Data or Personal Data to be transferred:

Not applicable

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

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The processing operations on personal data fall under article 27.2(b)

Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

Not applicable

Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,

The processing operations on personal data are submitted under this § of article 27.

Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

Not applicable

Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,

Not applicable

Other (general concept in Article 27.1)

Not applicable

17/ Comments

1) Date of submission:

10) Comments if applicable:

36) Do you publish / distribute / give access to one or more printed and/or electronic directories?

Personal Data contained in printed and/or electronic directories of users and access to such directories shall be limited to what is strictly necessary for the specific purposes of the directory.

If Yes, please explain what is applicable.

no

37) Complementary information to the different questions if applicable, including attachments to this notification which should not be public :

PLACE AND DATE:31/08/2006

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission