NOTIFICATION FOR PRIOR CHECKING

Date of submission: 17/09/2007

Case number: 2007-566

Notification of: EMSA

Legal basis: Article 27-5 of the regulation CE n° 45/2001([1])

INFORMATION TO BE GIVEN[2]

Name and address of the controller

Controller: TOM VAN HEES
Delegated Controller: CRISTINA ROMAY LOPEZ

European Maritime Safety Agency (EMSA)
Av. Dom João II, Lote 1.06.2.5
1998-001 Lisbon, Portugal

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

Section Human Resources/ UNIT A/ European Maritime Safety Agency (EMSA)

Name of the processing

Recruitment Procedures: Permanent Agents, Temporary Agents and Contract Agents

For Temporary Agents and Permanent Agents: see *Guidelines on the Recruitment of Temporary Agents for EMSA: External Procedures* (as the recruitment of Permanent Agents is similar to that of Temporary Agents) – Annex I

For Contract Agents: see Decision of the Administrative Board of 24 November 2006 on General Implementing Provisions on the Procedures governing the Engagement and the Use of Contract Staff in EMSA, in particular Art. 5 – Annex II

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[1] OJ L 8, 12.01.2001.
[2] Please attach all necessary backup documents

Purpose or purposes of the processing

To recruit Permanent Agents, Temporary Agents and Contract Agents to work in EMSA

Description of the category or categories of data subjects

Applicants for the positions

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

Private and professional data, no special categories of data:

- European CV: surname, first name, telephone, fax, e-mail, address, nationality, date of birth, gender, work experience, education and training, mother tongue, knowledge of other languages, personal skills and competences, other skills and competences, driving licence.
- Declaration of honour.
- Motivation Letter.
- Copy of certificates and employment transcripts (for those coming to the interviews).
- Legal Entity and Financial Identity Forms (for those invited to the interview having the right to be reimbursed).

Information to be given to data subjects

Until now, none. However, from September 2007 following disclaimer on personal data protection will be always added to the general text in each call for applications:

Any personal data provided by the Applicant shall be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movements of such data. It shall be processed solely for the purposes of the recruitment exercise. The Applicant shall have the right of access to his/her personal data and the right to rectify any such data that is inaccurate or incomplete. Should the Applicant have any queries concerning the processing of his/her personal data, (s)he shall address them to the delegated controller of the data, Head of Human Resources section.

Procedures to grant rights of data subjects

Human Resources asks the applicants to inform EMSA about any change on his data, such as address, etc.

In relation to any other requests, if the data subject requests the controller/ delegated controller orally, by email or by letter to exert his/her rights, the controller will facilitate the applicant the exercise of rights.

Automated / manual processing operation

Manual

Legal basis of the processing operation

Staff Regulations of Officials (SR) and the Conditions of Employment of Other Servants of the European Communities (CEOS), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68 last amended by Council Regulation (EC, EURATOM) No 31/2005 of 20 December 2004, and in particular Art. 27-34 (SR) and Arts. 12-15 and 82-84 (CEOS).

Regulation (CE) n° 1406/2002 of the European Parliament and of the Council establishing a European Maritime Safety Agency, amended by Regulations (CE) N° 1644/2003 and 724/2004, and in particular Art. 6.

The operation is performed in public interest, so EMSA could recruit staff in order to fulfil its mandate (in accordance with the Reg. 45/2001, art. 5 (a) – public interest).

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

Human Resources Sector (person/s in charge of supporting the Selection Committee)
Members of the Selection Committee
AIPN

Should the applicant's name be put on a reserve list and should a similar vacancy arise in another Unit, the Head of Unit (and/or Project Officer in the Sector) to which the vacancy belongs can have access to the CV and results of the evaluation of the applicant.

General indication of the time limits

for blocking:

and/or

for erasing:

of the different categories of data (*Please, specify the time limits for every category, if applicable*)

EMSA being a new Agency (started its activities on 2003), for the time being all the recruitment procedure exercises have been kept.
However, it is our intention to set a time limit (e.g. validity of the reserve list + 5years). Before taking any decision on this matter, the Agency would like to see the results of the Working Party on Time Limits and Blocking.

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.

N/A

Proposed transfers of data to third countries or international organisations

None

The processing operation presents specific risk which justifies prior checking *(Please describe):*

as foreseen in:

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

The recruitment procedure intends to evaluate the CV and accompanying documents submitted by the applicant and then his/her conduct, presentation and knowledge at the eventual interview in order to decide if the Agency wants to offer him/her a job or no.

Comments

Place and date: Lisbon, 2007……………………..

Data Protection Officer: Malgorzata Nesterowicz   ……………………………………

Institution or body: European Maritime Safety Agency