

REGISTER NUMBER: 317

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 17/12/2007

Case number: 2007-737

Institution: European Commission

Legal basis: article 27-5 of the regulation CE 45/2001⁽¹⁾

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and adress of the controller

2) Name and First Name of the Controller: RICHARDS Megan

3) Title: Official

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

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

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:

JRC.C.07
JRC.C.02
JRC.A.05
JRC.B.04
JRC.C.06
JRC.D.01
JRC.F.01
JRC.E.01
JRC.H.01
JRC.G.01
JRC.I.01
JRC.J.01

3/ Name of the processing

VISITING POSITIONS AS INVITED PERSONS OR UNPAID VISITING SCIENTISTS OR STRUCTURAL TRAINEES FOR DEFINED PERIODS OF TIME AT THE JRC

4/ Purpose or purposes of the processing

To collect information on data subjects with a view to evaluating and assessing their competencies in order to offer a visiting position as an invited for a defined period of time at the JRC.
To manage the relationship with the selected candidates (as external staff) during their visit.
No employment relationship exists between the data subject and the JRC.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Any interested party who applies to take up a visiting position as an invited person or unpaid visiting scientist for a defined period of time.

16) Category(ies) of Data Subjects:

Invited person or unpaid visiting scientist or structural trainee at the JRC

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

Personal Data requested by filling the application form (in attachment):

- Surname, First name, Second Name, address, telephone, residence, nationality, date and place of birth, sex, marital status, recent photograph, children, relatives employed at the EU, wife/husband professional activity and name/address of employer.
- Education and working experience, previous experience at EU Institutions, Health insurance coverage, signature.

Other personal data included in the following requested documents:

- Copy of passport and visa when necessary.
- Detailed Curriculum Vitae (CV)
- Extract from police register (not older than 3 months at date of start of the stay).
- Medical certificate of good health (including the particular requirements for any nuclear, laboratory or other specialised circumstances that may be necessary).
- Certificate of employment (the visiting scientist should be employed by a scientific public body, university, research institute or similar organisation).
- Evidence of coverage for health and accident insurance, including any special coverage that may be required at special laboratories/facilities in which the visiting scientist may work during his/her stay on the JRC site.
- Evidence of a third party liability insurance.
- Agreement by which an individual comes to the JRC (consortium/collaboration/visiting scientist)
- JRC Institute Director, Head of Unit and Signatures for approval of a request of invitation at the JRC

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

Personal data

Professional, Education and Medical data

The processing falls under Art. 10

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'

See enclosed specific "Privacy Statement"

The related information will be displayed on each JRC Institute website.

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' :

In case the data subject wish to ask for incorrect data to be corrected in his file, he can send an e-mail to the functional mailbox address mentioned in the annexed specific Privacy Statement under "Contact Information".

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)"

The Management Support Units (MSU) of the Institutes of the Joint Research Centre (JRC) collect information (CVs and other personal data) from third parties with a view to offering unpaid positions as invited persons or visiting scientists for a defined period of time at the JRC (respecting the 72 month rule). The position is offered within the ambit of a collaboration agreement or a consortium agreement or a visiting scientist agreement.

No employment relationship exists between the third parties and the JRC.

The information submitted by third parties is checked by the JRC's security service in order to issue a valid staff pass for accessing the JRC sites. Copies of files are retained locally in each MSU and ditto for lists of data, which are stored electronically.

Visitors/scientists working not only in the nuclear sector but in all the research fields of the JRC which are covered by the EU Framework Program 7 (FP7) are concerned.

The MSUs are processing personal data in order to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct according to Article 27 2(b).

The MSUs manage also the relationship with the selected candidates (as external staff) during their visit.

8) Automated Processing operation(s):

Data such as personal data, project, action, visit time period are collected directly from data subjects and stored in Excel tables using the JRC ICT infrastructure.

Many communications are done by email, including the transmission of electronic files.

9) Manual Processing operation(s):

The entire file containing Word template, internal circulation fiches, personal dossiers are kept in paper and archived in alphabetical order. There is only a paper file and no electronic storage.

10/ Storage media of data

Paper and electronic media

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

- Treaty establishing the European Atomic Energy Community (E.A.E.C. - Euratom), title two - provisions for the encouragement of progress in the field of nuclear energy, chapter 1 promotion of research.

- COM/2005/439: Proposition de DÉCISION DU CONSEIL concernant un programme spécifique à mettre en oeuvre au moyen d'actions directes par le Centre commun de recherche au titre du 7e programme-cadre de la Communauté européenne pour des activités de recherche, de développement technologique et de démonstration (2007-2013)

- JRC rules on short-term stays by unpaid visiting scientists at JRC premises
- Note from the Director General on visiting scientists dated 07/02/07 (see attachment)
- Guidelines on Collaboration Agreements (invited persons - see attachments)

- Internal JRC directive regarding 72 Month Rule (see attachment)

- For structural trainees: Chapter IV of the Commission Decision of 1 June 2006 No C(2006)2033 laying down Rules on the secondment of National Experts (NE) to the Commission (see attachment).

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 is necessary and lawful under Art. 5 a)

The processing falls under Article 27 (b): processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct. Medical and police data are also processed.

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

20) Recipient(s) of the Processing:

For every dossier:

- ADONIS: paper and electronic master file collecting all documents of the individual is registered.
- JRC Security Service: a request for security clearances is submitted as soon as the individual provides his/her certificate of good conduct.
- JRC Medical Service: where the medical certificate of good health is submitted (including the particular requirements for any nuclear, laboratory or other specialised circumstances that may be necessary).

21) Category(ies) of recipients:

ADONIS
JRC Security Service
JRC Medical Service

13/ retention policy of (categories of) personal data

Personal data are retained as long as follow-up actions to visits are necessary and additionally linked to the JRC directive regarding the "72 Month Rule" and which clearly states that the presence on the JRC site is considered during a 12 year period of time. As a consequence all personal data related to the scientist visit will be deleted 12 years after the visit (see also notification DPO-722 on SECPAC Visitor Data).

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

On a justified request from the Data Subject, data will be modified, frozen or eventually erased within a maximum period of 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,

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

n.a.

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.

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

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

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)"

The Management Support Units (MSU) of the Institutes of the Joint Research Centre (JRC) collect information (CVs and other personal data) from third parties with a view to offering unpaid positions as invited persons or visiting scientists for a defined period of time at the JRC (respecting the 72 month rule). The position is offered within the ambit of a collaboration agreement or a consortium agreement or a visiting scientist agreement.

No employment relationship exists between the third parties and the JRC.

The information submitted by third parties is checked by the JRC's security service in order to issue a valid staff pass for accessing the JRC sites. Copies of files are retained locally in each MSU and ditto for lists of data, which are stored electronically.

Visitors/scientists working not only in the nuclear sector but in all the research fields of the JRC which are covered by the EU Framework Program 7 (FP7) are concerned.

The MSUs are processing personal data in order to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct according to Article 27 2(b).

The MSUs manage also the relationship with the selected candidates (as external staff) during their visit.

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 is necessary and lawful under Art. 5 a)

The processing falls under Article 27 (b): processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct. Medical and police data are also processed.

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

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

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

Art. 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,

n/a

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

n/a

Other (general concept in Article 27.1)

n/A

17/ Comments

1) Date of submission:

10) Comments if applicable:

The selection and management of "structural trainees" (cost-free to the Commission) is covered by an other notification of DG ADMIN (DPO-889). This involves the submission of applications by National Civil Servants through EU Permanent Representations.

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 :

n.a.

PLACE AND DATE:17/12/2007

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission