

REGISTER NUMBER: 466

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 15/02/2009

Case number: 2009-045

Institution: ERA

Legal basis: article 27-5 of the regulation CE 45/2001 ⁽¹⁾⁽¹⁾ OJ L 8, 12.01.2001INFORMATION TO BE GIVEN⁽²⁾⁽²⁾ Please attach all necessary backup documents

1/ Name and adress of the controller

European Railway Agency, Mikkel Emborg, Head of Administrative Unit 160 Bld Harpignies, 59300 Valenciennes, France

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

Administration Unit, Human Ressources

3/ Name of the processing

Recruitment of TA staff, Contract staff (procedure applied by analogy)

4/ Purpose or purposes of the processing

The main purpose of personal data collection and processing is the facilitation of the recruitment process of ERA. Further on, personal data of successful applicants are processed for formulating the employment relationship (i.e. employment contract, definition of individual rights and entitlements of the new staff member. To this extend the following categories of data are collected and processed:

1. Data to identify and contact the applicant: family name, given name, date of birth, gender, nationality, private postal address, e-mail address, ID / Passport number, telephone number, bank account (for reimbursement of expenses), etc.

2. Data relevant to demonstrate, in the framework of the selection procedure, that the applicant fulfils the profile advertised in the vacancy notice: CV in European format, motivation letter, Eligibility and Selection criteria grid. Furthermore, the applicant may indicate any individual situation regarding eligibility criteria and any other information they would like to provide to support their application.

3. Additional Data in case that an employment contract is offered: supporting documents (diplomas, certificates of previous work experience, certificates of family status, etc.) including documents containing **sensitive** data such as certificate of character and "medical-fit-to-work" certificate, which is given from the Commission Medical Service, as ERA has a service agreement agreement with it.

5/ Description of the category or categories of data subjects:

Individuals, citizens of EU Member States and the States of EEA Agreement (Iceland, Liechtenstein and Norway) who apply to vacancies advertised by ERA, including existing staff members of ERA (as they always need to re-apply or apply for internal competitions).

7/ Information to be given to data subjects

Data subjects are informed about the Data Controller, data processing, its purpose, lawfulness as well as their rights through the recruitment web page, where there is a relevant "privacy statement".

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

The data subjects may address their requests in writing to the dedicated email address provided in the "privacy statement" placed in the recruitment web site. Factual data may be rectified up to the expiration of the deadline for applications, whereas identification data may be rectified at any time. The data subjects can have access to their evaluation results from all stages of the selection procedure (pre-selection, interviews, written tests) and aggregate results. However they cannot be provided with comparative results or individual opinions of the members of the selection panels.

9/ Automated / Manual processing operation

This processing is partly manual and partly automated, as follows: Hard copies of the cvs, application forms, the certificates and diplomas that have been forwarded by the candidates are kept in the selection files. There is electronic processing for each selection procedure, in the form of an EXCEL file that is kept in ERA's network under the "Personnel" drive. EXCEL files are created as well with comparative data after the interviews with the candidates. Hard copies of those files are stored in the selection dossier, whereas the electronic copy is stored under the relevant selection folder in "personnel" drive. Both hard and electronic copies are accessible only by the respective HR staff, the members of the selection committees, the Appointing Authority and the supervisory entities of ERA, upon their request. The hard copies are stored in locked cabinets in the HR section.

10/ Storage media of data

As described above, the data are stored in hard copies in the respective selection dossier, in locked file cabinets in the HR section and in electronic form (EXCEL) in the "Personnel" drive of ERA. Both are accessible only by HR staff. Hard copies are accessible by the designated members of the selection committees and only until the end of the selection procedure.

11/ Legal basis and lawfulness of the processing operation

Regulation No (EC) 881/2004 establishing a European Railway Agency , Staff Regulations and Conditions of Employment of Other Servants (articles 12-15 and 82-84, ANNEX III, especially article 6), Decision of the Executive Director of ERA No 120/04.2008 on staff recruitment, Decision of the Executive Director of ERA No 135/06.2008 on the adoption of implementing rules to Staff Regulations of 1 May 2004, internal guidelines on the selection committees in ERA.

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

In every vacancy notice published by ERA potential candidates are requested to supply detailed information regarding their identification data, professional experience, specific skills and competences proving their eligibility and admissibility for the specific post. The data provided by the candidates are accessible by ERA's Human resources section staff, the members of the Selection Committees, the Appointing Authority and by any of the supervisory instances of the ERA (i.e. European Court of Auditors, Internal Audit Service, and in case of controversy, the Civil Service Tribunal, the staff Ombudsman, etc.).

13/ retention policy of (categories of) personal data

A. For non successful applicants: Five (5) years from the date the data subject became aware of the result of the recruitment procedure (i.e. from the date of publication in ERA Web page that the procedure was closed, or the date in which the applicant has received an information letter)

B. For the candidates that their names have been included in a shortlist: Seven (7) years after the budgetary discharge of the recruitment process.

For the individuals offered an employment contract: Ten (10) years from the termination of employment or from the last pension payment, whatever applicable

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)

NA

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,

Applications are processed for statistical purposes in an anonymous manner.

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

No such transfers are taking place.

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

No

AS FORESEEN IN:

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

Article 27.2.(c)

☐ Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

no

☐ Other (general concept in Article 27.1)

17/ Comments

[Attached to the notification, you can find a privacy statement which is published on the ERA website](#)

PLACE AND DATE: Valenciennes France 16/01/09

DATA PROTECTION OFFICER: Zografia Pyloridou

INSTITUTION OR BODY: ERA