REGISTER NUMBER: 678

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 18/04/2011

Case number: 2011-0369

Institution: OHIM

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

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN (2)

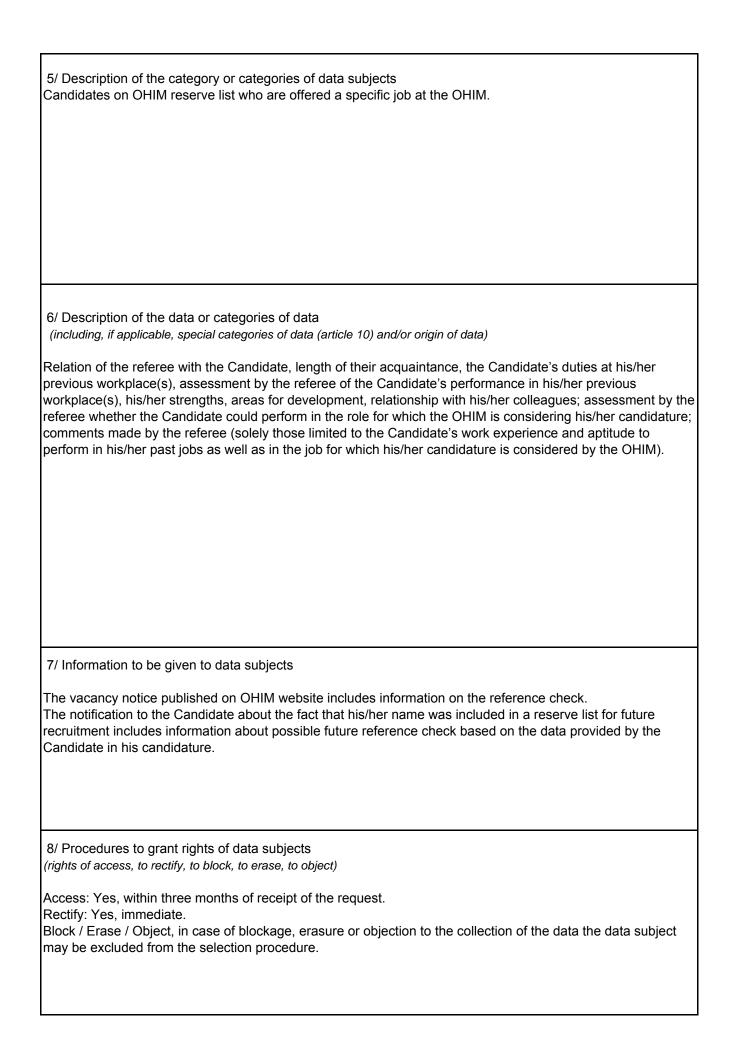*(2) Please attach all necessary backup documents*

1/ Name and adress of the controller
Human Resources Department
Office for Hamonization in the Internal Market
Avenida de Europa, 4
E 03008 Alicante

2/ Organisational parts of the institution or body entrusted with the processing of personal data
Staffing and Entitlements Sector

3/ Name of the processing
Reference check of Candidates on OHIM reserve lists

4/ Purpose or purposes of the processing
The purpose of the operation is to obtain information on the Candidate's past performance and conduct as well as his/her skills, strengths & developmental areas, his/her ability to perform in the foreseen role, as well as his/her ability to fit in the working environment. Collection of such information solely aims to support the A.I.P.N. in taking an informed decision about the Candidate's aptitude and preparedness for working at the OHIM.

5/ Description of the category or categories of data subjects
Candidates on OHIM reserve list who are offered a specific job at the OHIM.

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

Relation of the referee with the Candidate, length of their acquaintance, the Candidate's duties at his/her previous workplace(s), assessment by the referee of the Candidate's performance in his/her previous workplace(s), his/her strengths, areas for development, relationship with his/her colleagues; assessment by the referee whether the Candidate could perform in the role for which the OHIM is considering his/her candidature; comments made by the referee (solely those limited to the Candidate's work experience and aptitude to perform in his/her past jobs as well as in the job for which his/her candidature is considered by the OHIM).

7/ Information to be given to data subjects

The vacancy notice published on OHIM website includes information on the reference check.
The notification to the Candidate about the fact that his/her name was included in a reserve list for future recruitment includes information about possible future reference check based on the data provided by the Candidate in his candidature.

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

Access: Yes, within three months of receipt of the request.
Rectify: Yes, immediate.
Block / Erase / Object, in case of blockage, erasure or objection to the collection of the data the data subject may be excluded from the selection procedure.

9/ Automated / Manual processing operation

Manual. The Recruitment Agent collects information on Candidates on OHIM reserve lists as a last step of selection before the final decision is taken by the A.I.P.N. on the recruitment of the Candidate. The reference check is carried out by telephone only and involves the following:
- contacting reference persons indicated by the Candidate in his/her candidature sent to the OHIM;
- preparing a note per reference person summarising the information obtained from the referee
- review of the note(s) related to the Candidate (as part of the Candidate's file) by the Management of the recruiting department, the Management of HRD and the A.I.P.N. (or their delegates).

10/ Storage media of data

Locked physical cupboards in the HRD area of the OHIM; the Archive of the OHIM.
Temporarily information related to the reference check is stored in document holders, as part of the Candidate's file presented to the A.I.P.N. for decision-taking.

11/ Legal basis and lawfulness of the processing operation

Article 5(a) of Regulation 45/2001 ("processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof […]").

Article 5(d) of Regulation 45/2001 ("the data subject has unambiguously given his or her consent").

Article 27 of the Staff Regulations ("recruitment shall be directed to securing for the institution the services of officials of the highest standard of ability, efficiency and integrity,.[…]")

Article 28 of the Staff Regulations ('an official may be appointed only on condition that: (c) he produces the appropriate character references as to his suitability for the
performance of his duties;")

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

Management of the recruiting department (Director, foreseen immediate superior and reporting officer), Management of the HRD (Director, Head of the Recruitment Team), A.I.P.N. of the OHIM and their delegates.

13/ retention policy of (categories of) personal data
Data of candidates who later work as an OHIM employee: Once the contract on employment has terminated, the data are kept to assist the pension service and the Joint Sickness Insurance Service. The data are definitely disposed after the staff member's death and pension payment to descendents ends.
Data of candidates whose name is put on a reserve list but who are not offered a job at the OHIM or who don't accept it is kept 2 years after the expiration of the reserve list on which their name was placed.
Data of candidates whose name is not put on a reserve list is kept 2 years after the end of the selection procedure.

13 a/ time limits for blocking and erasure of the different categories of data
 (on justified legitimate request from the data subject)

For blocking: The Controller shall without delay inform the data subject in writing of whether or not the request has been accepted. If the request has been rejected, the Controller shall include the grounds for the rejection.

For erasure: Trimestral

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,

No.

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

No.

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

AS FORESEEN IN:

□ Article 27.2.(b)

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

Document	
Template for notes related to reference check	

PLACE AND DATE: Alicante, 18th April 2011

DATA PROTECTION OFFICER: Ignacio de Medrano

INSTITUTION OR BODY: Office for Hamonization in the Internal Market