

From: [REDACTED]
To: European Data Protection Supervisor
<EDPS@edps.europa.eu>
Sent at: 30/11/23 22:08:48
Subject: Re: Our ref.: 2022-1189 - D(2023) 3373 - Request for review of EDPS decision of 16 June 2023

Dear EDPS,

Please find attached EPSO's reply too.

Thanks for your time and consideration

Best regards

[REDACTED]

El jue, 30 nov 2023 a las 21:02, [REDACTED] escribió:
Dear EDPS,

Please find attached my request for review.

Thanks for your time and consideration

Best regards

[REDACTED]

El mar, 31 oct 2023 a las 11:19, European Data Protection Supervisor (<EDPS@edps.europa.eu>) escribió:

Dear Sir,

Please find attached a letter and its annex signed electronically by Mr Wojciech Rafał WIEWIÓROWSKI for the above mentioned subject.

Kind regards,

EDPS Secretariat



| Tel. (+32) 228 31900 | Fax +32(0)22831950 | ›

Email edps@edps.europa.eu

European Data Protection Supervisor

Postal address: Rue Wiertz 60, B-1047 Brussels

Office address: Rue Montoyer 30, B-1000 Brussels

[@EU_EDPS](https://twitter.com/EU_EDPS) www.edps.europa.eu

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Brussels, 30/11/2023
EPSO.001/RK/mr ARES (2023)s. 12304180



**Subject: Request for access to personal data
Selection procedures EUIPO/CAST/1/16-6, OIHM/CAST/10/2014 FG
III, EPSO/CAST27/5/07, CAST27 (RELEX) FG III, EPSO/TA/IT/06 IT**

**Ref.: Your request of 18 June 2022
Review decision of the EDPS of 31 October 2023 in Case 2022-1189**

Dear 

In his review decision of 31 October 2023 in Case 2022-1189, the European Data Protection Supervisor (hereafter: EDPS) decided as follows:

“[...] the EDPS under Article 58(2)(d) of the Regulation hereby ORDERS EPSO to comply with the complainant’s request to be granted access to all his log data, the time and purpose of each access generated by consultation operations on his EPSO profile in the context of the four EPSO selection procedures to which he participated, where available.”

Your access request concerned the following four selection procedures:

- EUIPO/CAST/1/16-6;
- OIHM/CAST/10/2014 FG III;
- EPSO/CAST27/5/07 CAST27 (RELEX) FG III;
- EPSO/TA/IT/06 IT.

When creating an EPSO account, candidates agree to the rules ⁽¹⁾ applicable to the processing of their personal data by EPSO, including rules on the data retention periods during which EPSO is entitled to process the personal data in question. According to these rules, the retention periods applicable in the context of contract agent and temporary agent selection procedures are as follows:

⁽¹⁾ The privacy statement summarising the applicable rules is available here:
https://europa.eu/epso/application/passport/index.cfm?action=pdplegal&sb=1&lang=en&comp_id=
Commission européenne, B-1049 Bruxelles / Europese Commissie, B-1049 Brussel - Belgium. Telephone: (32-2) 299 11 11.
EPSO, Office: L-107 03/DCS. Telephone: legal secretariat (32-2) 296 87 80
E-mail: EPSO-SECTEUR-JURIDIQUE@ec.europa.eu

Data retention periods applicable within the framework of the selection process of temporary agents

“EPSO only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely:

- *for individual files of candidates eliminated from a given selection procedure, for a duration of 5 years starting from the date when the candidate is excluded from the selection procedure;*
- *for individual files of candidates included in the recruitment reserve of a given selection procedure, for a duration of 2 years starting from the closure of the recruitment reserve;*
- *for background files documenting the organisation of temporary agent selection procedures, for a duration of 5 years starting from the closure of the selection procedure;*
- *for personal data of candidates provided in the framework of an application for a specific selection which was not validated in time, for a duration of 1 year starting from the closing date of the application period for the selection procedure.”*

Data retention periods applicable within the framework of the selection process of contract agents

“EPSO only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely:

- *for individual files of candidates eliminated from a given selection procedure, for a duration of 5 years starting from the closing date of the selection procedure, or the candidate's request to have their data deleted from the database;*
- *for individual files of candidates included in the recruitment reserve of a given selection procedure, for a duration of 2 years starting from the closure of the recruitment reserve;*
- *for background files documenting the organisation of contract agent selection procedures, for a duration of 5 years starting from the closure of the selection procedure;*
- *for personal data of candidates provided in the framework of an application for a specific selection which was not validated in time, for a duration of 1 year starting from the closing date of the application period for the selection procedure.”*

As regards your personal data processed for the purposes of the selection procedures EUIPO/CAST/1/16-6, OIHM/CAST/10/2014 FG III, and EPSO/TA/IT/06 IT, the retention periods had already expired at the time of your initial application of 18 June 2022. EPSO informed you of this in its reply of 5 August 2022, with regard to each of the three abovementioned procedures: *“The processing period of your personal data within the framework of this selection procedure, including the retention period, ended.”*

It follows that for these three procedures EPSO no longer processes any of your personal data. Consequently, I hereby confirm that for these procedures no log data exist, therefore EPSO is not in a position to communicate such data to you.

As regards the selection procedure EPSO/CAST27/5/07 CAST27 (RELEX) Function Group III, where your candidate no. was 700311, your personal data within the framework of this selection procedure is still processed, due to the recruitment reserve database of EPSO/CAST27/5/07 being open until 31 December 2023. With regard to this procedure, I am therefore able to provide you with the access log data presented in the Annexes to this letter.

In addition, I would like to provide you with the following explanations:

EPSO has two IT tools for the purposes of managing CAST and TA selection procedures:

- **Talent**, used to configure the selection process, manage applications, communication with candidates and manage tests, and
- **Recruiter Portal**, used to search and select successful candidates for recruitment.

Both Talent and Recruiter Portal are legacy IT tools which were not built in line with the “data protection by design and default” requirements valid today. This means, inter alia, that their logging functionalities are limited.

The log data in both Annexes are from the Talent system. Talent logs user access to individual profiles of candidates, including the time of access and the identifying data of the users; however, it does not log the purpose of the consultation.

Annex 1 contains the log of consultations of your EPSO account carried out by yourself.⁽²⁾ Talent log data for access by the candidate to their own account are available retroactively for a period of fifteen years; earlier log data are no longer available.

Annex 2 contains the log of consultations of your EPSO account carried out by users other than yourself. All these users are staff members of EPSO; no other staff of the EU institutions, or third parties⁽³⁾, have access to the Talent database. Talent log data for access by users other than the candidate are available retroactively for a period of ten years; earlier log data are no longer available. In Annex 2, identifying data liable to reveal the users’ identity have been removed from the log file, in line with the judgment of the Court in the case C-579/21, *Pankki S.*⁽⁴⁾

As for Recruiter Portal, I hereby confirm that it only logs which user accessed *the tool* and when. However, the system does not log any of the actions the user has performed, including any concrete searches done for a particular person and access to their data. This means that it is not possible to link the log data available for Recruiter Portal to any particular candidate profile, and consequently these data are not to be considered as candidates’ personal data.

In the light of the above, I hereby confirm that the data in Annexes 1 and 2 constitute the full log data set currently in EPSO’s possession with regard to consultation operations on your EPSO profile, and that EPSO does not hold or process any other relevant data.

(2) This log is directly accessible to you in your EPSO account.

(3) With the exception of the candidates themselves, who have direct access to the data in their own accounts.

(4) Case C-579/21, *Pankki S.*, ECLI:EU:C:2023:501, paragraph 83.

I trust that you will find this information helpful.

Yours sincerely,



Annexes:

1. Log of consultations of EPSO account carried out by candidate;
2. Log of consultations of EPSO account carried out by users other than candidate.