

**From:**

**To:**

**CC:**

SUPERVISION <supervision@edps.europa.eu>; EPSO  
DATA PROTECTION COORDINATOR (EC) <epso-data-  
protection-coordinator@ec.europa.eu>; EC DPO (EC)  
<ec-dpo@ec.europa.eu>

**Sent at:**

11/03/24 13:17:30

**Subject:**

FW: EPSO's reply to Complaint EDPS ref. 2022-1189 -  
the way forward- some questions

Dear  
Dear

I hope this e-mail finds you both well.

We would like to have a meeting with you, as we have some specific questions regarding EPSO's implementation of the EDPS order of 31 October 2023 regarding the complaint of [REDACTED] Case 2022-1189 (in attachment), in particular due to the fact that

- the complainant is not satisfied with EPSO's reply and the logs he was provided,
- he has sent screenshots and allegations that EPSO has unlawfully erased and 'purged' his data and
- he has submitted two more complaints v EPSO on access request and potential breaches (on 13<sup>th</sup> Feb and on 18 Feb 2024).

We would be grateful if you could suggest some dates from now until 26 March 2024, so that we can hopefully clarify all his allegations as soon as possible.

Once we find a specific date, I will send you his allegations and screenshots before the meeting.

Many thanks for your prompt reply.

Kind regards,

**From:**

**To:**

WIEWIOROWSKI Wojciech  
<wojciech.wiewiorowski@edps.europa.eu>

ZERDICK Thomas <thomas.zerdick@edps.europa.eu>;

**CC:**

SUPERVISION  
<supervision@edps.europa.eu>;

**Sent at:**

22/12/23 09:28:08

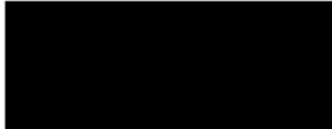
**Subject:**

EPSO's reply to Complaint EDPS ref. 2022-1189

Dear Mr Wiewiórowski,

On request of my director, please find attached a copy of EPSO's reply to Complaint EDPS ref. 2022-1189. The original reply was sent only via ARES ([Ares\(2023\)8196454](#)) on 30.11.2023 on the wrong assumption that ARES was already fully operational at the EDPS. Apologies for the inconvenience this may have caused.

Yours sincerely,



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**Twitter** [EU\\_Careers](#)  
[www.eu-careers.eu](http://www.eu-careers.eu)

Brussels, 30/11/2023

EPSO.001/ [REDACTED] ARES (2023)s. 12304612

Mr Wojciech Rafał WIEWIÓROWSKI  
European Data Protection Supervisor  
Rue Wiertz 60  
1047 BRUSSELS  
✉ [edps@edps.europa.eu](mailto:edps@edps.europa.eu)

**Subject:** Complaint of [REDACTED] against EPSO  
EDPS ref. 2022-1189

**Ref.:** Your review decision of 31 October 2023

Dear Mr Wiewiórowski,

In your abovementioned decision of 31 October 2023 in Case 2022-1189, you 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.”*

Please find enclosed the reply that EPSO has sent to the complainant, [REDACTED], to implement your abovementioned decision.

Yours sincerely,

[REDACTED]  
**Annex:** EPSO’s reply of 30 November 2023 to [REDACTED]

## User visits

200 visits

- 24-JUN-2023 07:29
- 04-JUN-2023 15:01
- 02-MAY-2023 14:22
- 25-APR-2023 15:18
- 21-APR-2023 18:33
- 10-APR-2023 11:22
- 09-APR-2023 09:49
- 03-APR-2023 20:48
- 02-APR-2023 13:55
- 02-APR-2023 13:49
- 02-APR-2023 13:23
- 31-MAR-2023 21:51
- 29-OCT-2022 11:42
- 25-JUL-2022 20:58
- 25-JUL-2022 16:32
- 07-JUL-2022 18:13
- 18-JUN-2022 22:10
- 18-JUN-2022 06:49
- 06-JUN-2022 20:00
- 03-JUN-2022 14:44
- 15-MAY-2022 11:50
- 15-MAY-2022 11:43
- 15-MAY-2022 11:42
- 11-MAY-2022 22:41
- 08-MAY-2022 22:58
- 08-MAY-2022 12:10
- 25-APR-2022 22:13
- 25-APR-2022 20:24
- 23-APR-2022 23:43
- 23-APR-2022 23:42
- 23-APR-2022 21:20
- 23-APR-2022 21:05
- 16-MAR-2022 22:26
- 13-MAR-2022 20:07
- 08-FEB-2022 13:24
- 06-FEB-2022 11:28
- 06-FEB-2022 11:02
- 27-OCT-2021 21:47
- 28-JUL-2021 17:16
- 30-MAY-2021 11:17
- 19-MAR-2021 10:02
- 08-JAN-2021 12:34
- 07-NOV-2020 18:04
- 25-APR-2020 19:10
- 13-JUL-2019 18:29
- 02-JUL-2019 15:26
- 17-FEB-2018 18:45
- 14-JUL-2017 09:53
- 30-APR-2017 11:19
- 05-FEB-2017 00:00
- 20-DEC-2016 18:01
- 20-DEC-2016 17:35
- 20-DEC-2016 17:33
- 20-DEC-2016 17:31

- 20-DEC-2016 17:22
- 18-DEC-2016 12:40
- 18-DEC-2016 12:39
- 18-DEC-2016 12:39
- 18-DEC-2016 12:39
- 18-DEC-2016 12:38
- 29-NOV-2016 22:55
- 22-NOV-2016 23:56
- 09-OCT-2016 18:36
- 28-MAY-2015 16:28
- 14-MAY-2015 18:43
- 08-MAY-2015 15:16
- 07-AUG-2014 18:58
- 06-AUG-2014 17:59
- 06-AUG-2014 15:23
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- 05-AUG-2014 22:40
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- 02-AUG-2014 13:23
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- 02-AUG-2014 09:59
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- 30-JAN-2014 10:25
- 30-JAN-2014 09:14
- 12-DEC-2013 17:47
- 25-NOV-2013 09:03
- 08-NOV-2013 12:14
- 03-OCT-2013 14:41
- 10-SEP-2013 12:00
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- 02-JUN-2013 19:11
- 03-MAY-2013 10:50
- 03-MAY-2013 10:33
- 02-MAY-2013 23:52
- 30-APR-2013 19:54
- 30-APR-2013 19:50
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- 02-APR-2013 08:58
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- 09-SEP-2012 19:00
- 12-JUL-2012 18:20
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- 25-MAY-2012 10:12
- 22-MAY-2012 08:08
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- 28-DEC-2010 13:16
- 28-DEC-2010 12:22
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- 14-JUN-2010 11:47
- 14-JUN-2010 11:46
- 07-JUN-2010 23:48
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- 11-MAY-2010 15:41
- 05-MAY-2010 22:59
- 02-MAY-2010 17:21
- 30-APR-2010 08:51
- 29-APR-2010 09:52
- 24-APR-2010 11:40
- 21-APR-2010 19:18
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- 22-MAR-2009 10:24

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363618	3.301	12-06-2022 12:03:42	3301	removed	removed	removed	removed
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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 <sup>(1)</sup> 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:

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<sup>(1)</sup> The privacy statement summarising the applicable rules is available here:  
[https://europa.eu/epso/application/passport/index.cfm?action=pdflegal&sb=1&lang=en&comp\\_id=](https://europa.eu/epso/application/passport/index.cfm?action=pdflegal&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](mailto: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.<sup>(2)</sup> 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<sup>(3)</sup>, 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.*<sup>(4)</sup>

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.

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<sup>(2)</sup> This log is directly accessible to you in your EPSO account.

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

<sup>(4)</sup> 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.