

**RECORD OF PROCESSING ACTIVITY  
ACCORDING TO ARTICLE 31 REGULATION 2018/1725<sup>1</sup>  
NOTIFICATION TO THE DATA PROTECTION OFFICER**

**NAME OF PROCESSING OPERATION<sup>2</sup>: Selection Procedures for recruiting Temporary Agents, Contract Agents and Seconded National Experts**

DPR-2018-040 (to be completed by the DPO)
Creation date of this record: 21/12/2018
Last update of this record: 27/03/2020
Version:2

<b>1) Controller(s)<sup>3</sup> of data processing operation (Article 31.1(a))</b>
Controller: European Union Agency for Fundamental Rights (FRA) Organisational unit <b>responsible<sup>4</sup></b> for the processing activity: Corporate Services Contact person: Constantinos Manolopoulos, <a href="mailto:recruitment@fra.europa.eu">recruitment@fra.europa.eu</a> . Data Protection Officer (DPO): Robert Jan Uhl <a href="mailto:dpo@fra.europa.eu">dpo@fra.europa.eu</a>

<b>2) Who is actually conducting the processing? (Article 31.1(a))<sup>5</sup></b>
The data is processed by the FRA itself <input checked="" type="checkbox"/>
The data is processed also by a third party (contractor) [mention the third party] <input type="checkbox"/>

<b>3) Purpose of the processing (Article 31.1(b))</b>
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<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>

<sup>2</sup> **Personal data** is any information relating to an identified or identifiable natural person, i.e. someone who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity. This information may, for example, be the name, date of birth, a telephone number, biometric data, medical data, a picture, professional details, etc.

**Processing** means any operation or set of operations which is performed on personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

<sup>3</sup> In case of more than one controller (e.g. joint FRA research), all controllers need to be listed here

<sup>4</sup> This is the unit that decides that the processing takes place and why.

<sup>5</sup> Is the FRA itself conducting the processing? Or has a provider been contracted?

*Why are the personal data being processed? Please provide a very concise description of what you intend to achieve with the processing operation. Specify the rationale and underlying reason for the processing and describe the individual steps used for the processing. If you do this on a specific legal basis, mention it as well (e.g. staff regulations for selection procedures).*

The purpose of the processing of the personal data is to organise selection procedures to recruit different categories of staff; to manage applications at the various stages of these selections; to maintain and follow-up on the use of reserve lists. The processing operation is in line with Articles 12-15 and Article 82-84 of the Conditions of Employment of other servants of the European Communities (CEOS) in case of temporary agents and contract agents, but also, in line with, the Commission Decision of 18.11.2008 (C(2008) 6866 final) implemented by the MB Decision 2017/01 regarding Seconded National Experts.

**4) Description of the categories of data subjects (Article 31.1(c))**

*Whose personal data are being processed?*

We process the personal data on every person, which applies for various positions like Temporary Agent (TA), Contract Agent (CA) or Seconded National Expert (SNE).

**5) Categories of personal data processed (Article 31.1(c))**

*Please tick all that apply and give details where appropriate. Include information if automated decision making takes place, evaluation and monitoring*

**(a) General personal data:**

The personal data contains:

- identification (name, surname, date of birth, gender, nationality, photo, a copy of ID or Passport, social security certificate, medical certificate, military/civil service record, criminal record);
- contact details (postal address, email address, phone, mobile, user name of the online video platform and fax number);
- experience (work experience, education, training skills, languages, true certified copies of their diplomas, letter of motivation);
- banking details (financial identification form, bank account information);
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**6) Recipient(s) of the data (Article 31.1 (d))<sup>6</sup>**

*Recipients are all parties who have access to the personal data. Who will have access to the data **within** FRA? Who will have access to the data **outside** FRA?*

<sup>6</sup> No need to mention entities that may have access in the course of a particular investigation (e.g. OLAF, EO, EDPS).

Designated **FRA** staff members (please specify which team and Unit)

During the selection process, a restricted number of staff members, which are in charge of the recruitment, can access your personal data. These include the Human Resources within the Corporate Services Unit, the Head of Unit Corporate Services, the members of the selection panel of the corresponding recruitment procedure, monitoring officers, IT staff members, the Head of Unit that you applied for and the Director of the Agency who is in charge of the final decision related to recruitment.

Designated persons **outside** FRA: (please specify)

For reimbursement of the travel costs, a restricted number of staff members from the Directorate-General for Budget (DG BUDG) at the European Commission have access to your data.

7) Transfers to third countries or recipients outside the EEA (Article 31.1 (e))<sup>7</sup>

*If the personal data are transferred outside the European Economic Area, this needs to be specifically mentioned, since it increases the risks of the processing operation.*

Data are transferred to third country recipients:

Yes

No

8) Retention time (Article 4(e))

*How long will the data be retained and what is the justification for the retention period? Please indicate the starting point and differentiate between categories of persons or data where needed (e.g. in selection procedures candidates who made it onto the reserve list vs. those who didn't). Are the data limited according to the adage "as long as necessary, as short as possible"?*

1. Documents related to recruited candidates for Temporary Agents, Contract Agents and Seconded National Experts positions: 10 years as of the termination of employment or as of the last pension payment.
2. Documents related to non-recruited candidates for Temporary Agents, Contract Agents and Seconded National Experts positions: 2 years counting from the starting date of the position that the applicant applied for.

<sup>7</sup> **Processor** in a third country using standard contractual clauses, a third-country public authority you cooperate with based on a treaty. If needed, consult your DPO for more information on how to ensure safeguards.

3. Documents related to non-recruited candidates for Temporary Agents, Contract Agents and Seconded National Experts positions entered on a reserve list: 2 years following the expiration date of the list.

9) Technical and organisational security measures (Article 31.1(g))

*Please specify where/how the data are stored during and after the processing; please describe the security measures taken by FRA or by the contractor*

**How is the data stored?**

FRA network shared drive

FRA DMS

Outlook Folder(s)

CRM

Hardcopy file

Cloud (give details, e.g. cloud provider)

Servers of external provider

Other (please specify): *The data is stored in the EU and no transferred outside EU; The personal data collected via cookies is a unique IP to enable the user to submit his/her application.*

10) Lawfulness of the processing (Article 5(a)–(d))<sup>8</sup>: Processing necessary for:

*Mention the legal basis which justifies the processing*

<sup>8</sup> Tick (at least) one and explain why the processing is necessary for it. Examples:

(a) a task attributed to your EUI by legislation, e.g. procedures under the staff regulations or tasks assigned by an Agency's founding regulation. Please mention the specific legal basis (e.g. "Staff Regulations Article X, as implemented by EUI IR Article Y", instead of just "Staff Regulations")

(a2) not all processing operations required for the functioning of the EUIs are explicitly mandated by legislation; recital 17 explains that they are nonetheless covered here, e.g. internal staff directory, access control.

(b) a specific legal obligation to process personal data, e.g. obligation to publish declarations of interest in an EU agency's founding regulation.

(c) this is rarely used by the EUIs.

(d) if persons have given free and informed consent, e.g. a photo booth on EU open day, optional publication of photos in internal directory;

(e) e.g. processing of health information by first responders after an accident when the person cannot consent.



- (a) a task carried out in the public interest or in the exercise of official authority vested in the FRA (including management and functioning of the institution)



(Council Regulation 168/2007 establishing a European Union Agency for Fundamental Rights, in particular Article 24; for temporary agents and contract agents, Articles 12-15 and Article 82-84 of the Conditions of Employment of other servants of the European Communities For Seconded National Experts (SNE) Commission Decision of 18.11.2008 (C(2008) 6866 final) implemented by the MB Decision 2017/01 regarding Seconded National Experts.

In addition, since the participation in the job application is not mandatory, the processing of the personal data is also in accordance with Article 5(d) of Regulation (EU) No 2018/1725.

- (b) compliance with a legal obligation to which the FRA is subject

- (c) necessary for the performance of a contract with the data subject or to prepare such a contract

- (d) Data subject has given consent (ex ante, explicit, informed)

Describe how consent will be collected and where the relevant proof of consent will be stored

- (e) necessary in order to protect the vital interests of the data subjects or of another natural person

#### 11) Data Minimisation(Article 4(c))

*Do you really need all data items you plan to collect? Are there any you could do without?*

##### **Mandatory data that the Agency is requiring in the Application form:**

- Name, surname, postal address, email address, phone, mobile and are necessary for contacting the person who applies for an opened position at FRA.
- Nationality, date of birth, gender are necessary for identity check.
- Experience records (work experience, education, training skills, languages, letter of motivation) are needed for eligibility checks.

##### **Mandatory data that the Agency is requiring for the interview:**

- Banking details (financial identification form, bank account information) are needed for reimbursement purposes;
- A copy of ID or Passport are necessary for legal entity form;

##### **Mandatory data that the Agency is requiring in case of successful candidates:**

- Criminal record, birth certificate, medical certificate, military/civil service record and true certified copies of their diplomas; birth certificate of children (if applying), legal separation (if applying). These data are needed for eligibility checks and legal benefits.

##### **Optional data that the Agency is processing:**

Fax number, photo (in case the applicant is attaching a photo on the CV);

#### 12) Transparency (Article 14)

*How do you inform people about the processing operation?*

Privacy statement on the website under application instructions and on the Data Protection page.

For more information including how to exercise the rights of the data subject please see the Privacy Notice:

[http://fra.europa.eu/sites/default/files/fra\\_uploads/privacy-notice-recruitment\\_27-04-2018.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/privacy-notice-recruitment_27-04-2018.pdf)

### 13) Exercising the rights of the data subject (Article 14 (2))

*How can people contact you if they want to know what you have about them, want to correct or delete the data, have it blocked or oppose to the processing? How will you react?*

#### **Data subject rights:**

Right to have access  Anytime( However, if the requester is a candidate he/she has the right to access his/her evaluation results, except comparative results of other applicants or of the opinions of individual members that assessed your application)

Right to rectify  Anytime (The candidate has the right to update or correct at any time his/her identification data. On the other hand, data demonstrating compliance with the eligibility and selection criteria may not be updated or corrected after the closing date for the respective selection procedure.)

Right to erase ("right to be forgotten)  Anytime

Right to restrict of processing  Anytime

Right to data portability  Anytime

Right to object  Anytime

Right to obtain notifications to 3<sup>rd</sup> parties  Anytime

Right to have recourse  Anytime

Right to withdraw consent at any time  Anytime

### 14) Other linked documentation

*Please provide links to other documentation of this process (consent form, privacy notice, project documentation, security related policies /measures etc.)*

Privacy notice

Responsible  
Head of Corporate Services Unit  
C. Manolopoulos

Signature

Date