

# EEAS PRIVACY STATEMENT - DATA PROTECTION NOTICE

FOR THE PURPOSE OF

## PROCESSING PERSONAL DATA RELATED TO RECRUITMENT OF LOCAL AGENTS IN EU DELEGATIONS BY THE EEAS

### 1. INTRODUCTION

The protection of your personal data and privacy is of great importance to the European External Action Service (EEAS), including the Delegations of the European Union. You have the right under EU law to be informed when your personal data is processed [collected, used, stored] as well as about the purpose and details of that processing.

When handling personal data, we respect the principles of the Charter on Fundamental Rights of the European Union, and in particular Article 8 on data protection. Your personal data are processed in accordance with Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, aligned with Regulation (EU) 2016/679, the General Data Protection Regulation. In this privacy statement you find information about how the EEAS and EU Delegations process your personal data and what rights you have as a data subject.

### 2. PURPOSE OF DATA PROCESSING: Why do we process your data?

The purpose of the personal data processing is to manage the recruitment process of local agents in EU Delegations. Additional information: The vacancy is advertised as widely as possible, given local labour market conditions. There are no nationality requirements and therefore the Head of Delegation may also recruit from the local expatriate community on the condition that candidates have valid work and residence permits. In case an appropriate candidate could not be recruited via a vacancy notice in the press, a specialised agency may be contracted as service provider. The head-hunter agency becomes a data processor for that particular service contract. The selection procedure is regulated and consists of subsequent steps. Following the selection procedure, the Head of Delegation is requested to sign the employment contract. Before signing the contract, the Head of Administration need to receive all supporting documents (diplomas, certificates, testimonials, etc.) relating to the candidate's experience, education and training. The contract is signed by the Head of Delegation or in his/her absence by the Acting Head of Delegation.

After the recruitment, the administrative management of Local Agents, including a range of processes, is managed within the respective EU Delegations.

The data controller and responsible organisational entity is the Administrative section of the Delegation under the supervision of the Head of Administration and ultimately the Head of Delegation.

### 3. DATA PROCESSED: What data do we process?

The data, including personal data, which may be processed for that purpose are the following:

#### I. Personal data processed from applicants:

- Name and forename
- Date and place of birth
- Social security number
- Duration of the contract
- Data regarding professional experience, qualifications and skills, including CVs and motivational statements
- Results of the interview/selection panel reports
- Contact details
- Marital status
- Information on dependents
- Future place of assignment
- Gender
- Employment authorisation
- Current place of assignment (if applicable)
- Results of the interview/selection panel reports

#### II. Personal data processed from the members of the selection panels:

- Name and forename
- Notes or opinions given
- Service/function

### 4. DATA CONTROLLER: Who is entrusted with processing your data?

The Controller determining the purpose and the means of the processing activity is the European External Action Service. The Division responsible for managing the personal data processing under the supervision of the Director / Head of Division / Head of Delegation is the following entity:

#### **EU Delegations and EEAS Division Local Agents RM.HR.5**

and the respective EU Delegation to each specific third country and international organisation under the supervision of the Head of Delegation.

## 5. RECIPIENTS OF THE PERSONAL DATA: Who has access to your data?

### In EU Delegations:

- Head of Delegation
- Deputy Head of Delegation
- Head of Administration
- Head of Section
- EU Delegation staff members involved in the management of local agents' files
- Specialised agencies/head-hunters

### In HQ:

- Staff processors of the data and other relevant EEAS and EC services dealing with local agents
- Authority authorised for Concluding Contracts of Employment
- EEAS Inspection team
- Directorate General of the European Commission (EC) owning the post
- EC Security Directorate

Transfer to third countries and/or international organisations: In case of contracting a headhunting agency, data for candidates applying through the agency will be collected and processed by the service provider. The contracted service provider may be a branch office of an international agency or a local enterprise. The headhunting agency, as contractor will be bound by a service provider contract signed between the EU Delegation and the agency. The service contract shall include standard contractual clauses on data protection defining among others that the processor acts only on behalf of the data controller, observes data subject rights and that appropriate security safeguards are to be implemented by the contractor.

The information in question is not communicated to third parties, except where necessary for the purposes outlined above.

## 6. ACCESS, RECTIFICATION, ERASURE OF DATA: What rights do you have?

You have the right of access to your personal data and the right to correct your inaccurate or incomplete personal data, taking into account the purpose of the processing. The right of rectification can only apply to factual data processed. Under certain conditions, you have the right to ask the deletion of your personal data or restrict their use as well as to object at any time to the processing of your personal data on grounds relating to your particular situation. We will consider your request, take a decision and communicate it to you without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary. For more detailed legal references, you can find information in Articles 14 to 21, 23 and 24 of Regulation (EU) 2018/1725. In specific cases, restrictions under Article 25 of the Regulation may apply. Special attention is drawn to the consequences of a request for deletion, in which case any trace to be able to contact the data subject will be lost. If you have any queries concerning the processing of your personal data, you may address them to the functional mailbox of the respective EU Delegations. You can find them on the EEAS website under "**EU around the world**" > **Delegations**. Link to be followed: [https://eeas.europa.eu/headquarters/headquarters-homepage/area/geo\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/area/geo_en)

## 7. LEGAL BASIS: On what grounds we collect your data?

### Lawfulness:

The processing of your personal data is necessary for the performance of a task carried out in the public interest, [Article 5(1)(a) of Regulation (EU) 2018/1725], as mandated by the Treaties, in particular by articles 5, 11, 20, 21-40, 42, 43 of the Treaty on European Union (TEU) and 2 (4) and (5), 205, 220-221, 326 – 334 of the Treaty on the Functioning of the European Union (TFEU). In this context, processing of personal data related to selection and recruitment of Contract Agents in EU Delegations is necessary for the management and functioning of the EEAS as referred to in Recital 22 of Regulation (EU) 2018/1725.

### Primary legal reference:

- Conditions of Employment of Other Servants of the European Union (Title I, V) and Joint Decision C(2019)5686.

### Secondary legal references:

- The Decisions laying down the conditions of employment of local staff of the Commission of the European Communities and of the EEAS serving in non-member countries (Framework Rules).
- Specific Conditions of Employment (SCE) of local staff (adopted for individual Delegations)
- Local legislation
- Individual employment contract

### Further legal references:

- Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service (2010/427/EU)
- Good administrative practices in the framework of the Treaty of Lisbon.

## 8. TIME LIMIT - DATA STORING: For what period and how we process your data?

- In case of recruited applicants the personal data are retained for 10 years after the termination of employment or as of the last payment related to the employment.
- In case of non-recruited applicants, personal data are kept for 2 years after the end of the selection procedure. , unless complaints are made to the European Ombudsman or the decision is challenged in court.
- In case of a complaint to the Ombudsman or a litigation, to allow for the exhaustion of all appeal channels, including appeals before the Court of Justice of the European Union and the required follow-up to judgments, the personal data shall be kept no longer than:
  - 2 years after the final decision in case of complaint before the Ombudsman
  - 5 years with an additional maximum of 2 years after the judgment on the pending case is final in case of a litigation, i.e. 5 years from the date on which the European Parliament grants discharge for the budgetary year in which the final judgment was delivered (5 + 2 years)

- Payment related financial documents linked to reimbursement of travel expenses related to the selection, recruitment, mobility and rotation exercises are kept for 5 years from the date on which the European Parliament grants discharge for the budgetary year to which the data relates, i.e. 5 + 2 years.
- When appropriate, personal data contained in supporting documents should be deleted where possible where these data are not necessary for further purposes, e.g. control, inspection and audit
- Criminal records of applicants are checked and not to be registered in accordance with the EDPS prior checking opinion [https://edps.europa.eu/sites/default/files/publication/09-05-07\\_agencies\\_recruitment\\_en.pdf](https://edps.europa.eu/sites/default/files/publication/09-05-07_agencies_recruitment_en.pdf)

Security measures related to the data processed Based on assessing risks with regard to the recruitment of Local Agents, the EEAS and the Delegations ensure that adequate organisational and technical measures are in place in order to safeguard your personal data according to Article 33 of Reg. (EU) 2018/1725. The collected personal data are stored on servers that abide by pertinent security rules. Data is processed by assigned staff members. Files have authorised access. Measures are provided to prevent unauthorised entities from access, alteration, deletion, disclosure of data. General access to personal data is only possible to recipients with a UserID/Password. Physical copies of personal data are stored in a properly secured manner. The headhunting agency, as contractor will be bound by a service provider contract signed between the EU Delegation and the agency. The service contract shall include a contractual clause on data protection defining that the processor acts only on behalf of the data controller and that appropriate security safeguards are to be implemented by the contractor in line with Article 29 of Reg. (EU) 2018/1725.

#### **9. EEAS DATA PROTECTION OFFICER: Any questions to the DPO?**

In case you have queries you can also contact the EEAS Data Protection Officer at [data-protection@eeas.europa.eu](mailto:data-protection@eeas.europa.eu).

#### **10. RECOURSE**

You have at any time the right of recourse to the European Data Protection Supervisor at [edps@edps.europa.eu](mailto:edps@edps.europa.eu).