

EEAS PRIVACY STATEMENT – DATA PROTECTION NOTICE

FOR THE PURPOSE OF PROCESSING PERSONAL DATA RELATED TO 'Recruitment and Mobility Procedures for Officials and Temporary Agents within the EEAS'

1. INTRODUCTION

The protection of your personal data and privacy is of great importance to the European External Action Service (EEAS) and to 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?

I. Selection and Recruitment

The purpose of the manual process supported by the IT application ("e-application") is to manage selection and recruitment of officials and temporary agents within the EEAS.

II. Annual Mobility exercise

The purpose of the processing operation for the mobility exercise at Headquarters is to manage this by matching offers and requests for mobility, thereby contributing to the overall mobility policy in the EEAS.

3. DATA PROCESSED: What data do we process?

Data, including personal data, collected for the processing operation may include the following:

Personal data submitted for Selection, Recruitment and Mobility:

- Name(s) , surname(s)
- Contact details (professional or private)
- Copy of ID document or passport (for external candidates)
- Person ID, statutory link, category and grade
- Job ID and job title
- Current staff appraisal
- CV
- Other material*

*Other material covers any document related to the applicant's career, including grade, nationality, and similar personal data, as well as data that is specific to the application, i.e. motivation letters, certificates from Member State diplomats attesting their membership of their diplomatic service

Further personal data handled for reimbursement purposes:

- Bank details (Bank account number, address, including copy of bank account sheet)
- Data on LEF (Legal Entity), BAF (Bank Account) forms of the EC DG Budget
- Breakdown of costs provided by EC PMO (European Commission Payment Master Office)

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

The data controller determining the purpose and the means of the processing activity is the European External Action Service. The service – EEAS Directorate / Division / EU Delegation – responsible for managing the personal data processing under the supervision of the Director / Head of Division / Head of Delegation is the following organisational entity:

EEAS Division 'Selection and Recruitment' (BA.HR.2)

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

- Designated staff of BA.HR, in particular HR.2, case handlers of the data
- Senior management and designated support staff
- Head of Delegation or designated staff in EU Delegations
- Designated staff of Division Rights and Obligations (BA.HR.3), with purpose limitation

- Designated staff of Operations and Accreditations of Division HQ Security and Security Policy (BA.SI.2), with purpose limitation
- Designated staff of IT Division (BA.BS.3), with purpose limitation
- Members of selection panels including representatives of Member States, Council, Commission and EEAS*
- Appointing Authority
- Line managers and hierarchy at EEAS HQ involved in open vacancy selection procedures, if and when appropriate; also those involved in the mobility exercise at EEAS HQ, for the staff members who have expressed an interest in a job under their responsibility as well as other line managers and hierarchy involved in the mobility exercise if and when no match has been found in the first round
- Member State diplomatic services (The list of posts published for selection and recruitment and those in mobility may be provided to Member States diplomatic services in case temporary agents of the national diplomatic services are invited to participate in the mobility exercise.**)
- European Commission PMO (Payment Master Office) for reimbursement purposes linked to travel expenses
- European Commission DG Budget for reimbursement purposes linked to travel expenses
- In case an assessment centre would be part of the procedure for management selection: entity or service provider in charge of the assessment centre ***

** According to the decision of the CCA (Consultative Committee on Appointments), senior management is appointed following a selection procedure in which representatives of Member States, Council, Commission and EEAS take part. The Commission, Council and Member States are appointing their representatives, who may vary for each selection panel. This may also be applicable to other AD posts.*

*** Committee members, including Member States representatives are requested to sign a specific confidentiality obligation in order to ensure equivalent confidentiality obligations under Staff Regulations (Ref. "Declaration of Impartiality and Confidentiality")*

****In case an external company from Member States would be in charge of carrying out tasks for the EEAS it will be considered as a Transmission to recipients in EU Member States who are subject to the General Data Protection Regulation (Reg.(EU)2016/679) and Article 9 of Reg.(EU)2018/1725 applicable for EU institutions and bodies would apply. The necessity of the transfer of data to the company will be examined under the conditions provided in points (a) and (b) of Article 9(1), as it is performing an official task on behalf of the Selection Committee. If the necessity of the transfer is established, the mandate of the recipient will be determined in a contract or a legal act. Their respective obligations shall be ensured pursuant to Regulation (EU) 2018/1725 and in particular pursuant to the confidentiality and security requirements of Articles 4(1)(f), 29 and 33.*

The personal data is not intended to be transferred to a third country or an international organisation. The given information will not be 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 any inaccurate or incomplete personal data. 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. For more information, please see Articles 14 to 21, 23 and 24 of Regulation (EU) 2018/1725. In specific cases, restrictions under Article 25 of the aforementioned 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 questions concerning the processing of your personal data, you may address them to the following functional mailbox of the Data Controller.

selection-and-recruitment@eeas.europa.eu

For the annual mobility exercise at EEAS Headquarters, factual data are taken from Sysper and updated by senior management. Staff members identified for mobility are contacted individually by e-mail and have 10 working days to react. All staff members, including those not identified for mobility, are informed and have the same period of time to react.

The CV and motivational statements are filled in by the staff member concerned him/herself in the IT application.

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

The processing of personal data related to the selection, recruitment and administrative management of Contract Agents 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 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).

Specific legal references:

I. Selection and recruitment

- Staff Regulations of Officials, in particular Article 7, Article 29 and Article 98 thereof and its Conditions of Employment of Other Servants of the European Communities
- PROC HR 2011/005 (9/03/2011) on establishing and laying down the rules of procedure for the Consultative Committee on Appointments to the European External Action Service
- Good administrative practices in the framework of the Treaty of Lisbon and the Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service (2010/427/EU) available on http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf, in particular Article 6 thereof
- Service Level Agreement between the EEAS and the PMO (Pay Master Office) 22 December 2010
- Provisions on a financial contribution towards travel and subsistence expenses for persons invited to the oral tests of an open competition or other selection procedure, to an interview or to a medical examination - Annex to Conclusion 252/08 applicable from 1 March 2008

II. Annual mobility exercise

- ADMIN (2015)14 Decision of the Chief Operating Officer ad interim of the European External Action Service of 01/04/2015 on the organisation of an annual internal mobility exercise of staff in the AD and AST function groups at the EEAS Headquarters (subsequent to Decision of the Chief Operating Officer of 14/3/2013)
- Good administrative practices in the framework of the Treaty of Lisbon and the Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service (2010/427/EU) available on http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

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

I. Selection and recruitment

- In case of *recruited applicants* the data retention period is set for 10 years as of the termination of employment.
- Personal data of recruited candidates in Sysper are stored according to the retention policy of Sysper.
- Retention of the recruitment case-handling file is set for 2 years after the end of the selection procedure.
- In case of *non-recruited applicants*, the time-limit for storage of the data is set in relation to the time-limits established for the possible review of the decision taken in the selection procedure (complaint to the European Ombudsman, appeal with the Civil Service Tribunal), as well as in accordance with Article 49 of the Implementing Rules to the Financial Regulation.
Furthermore, where necessary, to allow for the finalisation of the exhaustion of all appeal channels, including appeals before the Civil Service Tribunal and the required follow-up to judgements, the personal data shall be kept until not more than 5 years after the judgment on the pending case is final, 2 years in case of complaint before the Ombudsman.
- In case of *non-recruited applicants on the "reserve lists for appointment"* the conservation of the data is to be determined in terms of the validity and the actual extension of the respective reserve lists.
- Payment related financial documents linked to reimbursement of travel expenses are kept for up to 5 years from the date on which the European Parliament grants discharge for the budgetary year to which the data relates, i.e. standard retention is 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.

II. Annual Mobility exercise

- Data to be stored until all legal rights and obligations referring to a mobility decision concerning an official or temporary agent have elapsed, i.e. for a maximum of 5 years after the mobility exercise concerned.

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

In case you have enquiries you can also contact the EEAS Data Protection Officer at data-protection@eeas.europa.eu.

10. RECOURSE

You have at any time the right to have recourse to the European Data Protection Supervisor at edps@edps.europa.eu.