

Record of Personal Data Protection of Personal Data Processing Activity, pursuant to Article 31 of Regulation (EU) 2018/1725¹

NAME OF PROCESSING OPERATION: Processing of personal data in the context of Temporary and Contract Agent and Seconded National Expert selection procedures at the EBA

I. GENERAL INFORMATION

1) Contact Details of Controller(s)

Name: European Banking Authority, represented by Executive Director/Acting Executive Director

Email Address: ExecutiveOffice@eba.europa.eu

2) Contact Details of Processor

Who is actually conducting the processing?

The data is processed by:

The EBA itself: The Human Resources Unit will be conducting the processing activity.

Email address: Vacancies@eba.europa.eu

Contractors providing services for the assessment of candidates at an assessment centre for middle management functions.

EPSO in the case of organising a recruitment procedure on the EBA's behalf or if the EBA recruits from EPSO's electronic contract agent database.

II. DESCRIPTION & PURPOSE OF PROCESSING

3) Description of Processing

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC

The EBA organises selection procedures with the aim of filling a particular vacancy and/or establishing reserve lists of successful candidates in view of possible recruitment at the EBA.

4) Purpose of processing

Why are the personal data being processed?

Specify the rationale and underlying reason for the processing

- ☒ Staff administration
- ☒ Relations with external parties
- ☐ Procurement, finance and accounting
- ☐ Administration of membership records
- ☐ Auditing
- ☒ Information administration

Other (please give details): The purpose of processing of the data submitted by a candidate in a selection procedure is to manage a candidate(s) application(s) in view of possible recruitment at the EBA. The EBA will not reuse the personal data for another purpose incompatible with this purpose.

5) Lawfulness of Processing

Article 5 of Regulation (EU) 2018/1725

A. Legal Basis justifying the processing:

Processing is based on Article 5 (a) of the Regulation (EU) No. 2018/1725 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data., providing that : (a) a task carried out in the public interest or in the exercise of official authority vested in the EBA (including management and functioning of the institution).

Processing is necessary for the performance of tasks carried out in the public interest on the basis of the Treaties establishing the European Communities (recruitment of personnel) and in particular:

- Regulation (EU) No 1093/2010 of the European Parliament and the Council of 24 November 2010 establishing the EBA;
- Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community, in particular Articles 27-34 (SR), 2(a), 2(f), 3(a), 12-15 and 82-84 (CEOS) thereof
- Decision EBA/DC/2015/126 of the Management Board of 15 September 2015 laying down general implementing provisions on the procedure governing the engagement and the use of temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union;
- Decision EBA DC 239 of the Management Board of 12 September 2018 on middle management staff.
- Decision EBA DC 284 of the Management Board of 16 August 2019 on the general provisions for implementing Article 79(2) of the Conditions of Employment of Other Servants of the European Union governing the conditions of employment of contract staff under the terms of Article 3a thereof;
- Decision EBA DC 304 of the Management Board of 13 December 2019 on the Secondment of National Experts;
- Decision EBA/DC/2015/119 of 08/05/15 on reimbursement of travel and subsistence expenses for persons invited by the EBA to an interview, examination, second interview or a pre-employment medical examination.

Candidates send their applications containing a Europass CV, cover letter, eligibility criteria grid and other information they may wish to submit to EBA-Applications@eba.europa.eu and EBA-vacancies@eba.europa.eu on a voluntary basis.

B. Processing is necessary:

- ☒ for the performance of a task carried out in the public interest
- ☒ for compliance with a legal obligation to which the Controller is subject
- ☐ for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
- ☐ in order to protect the vital interests of the data subject or of another natural person

Or

- ☐ Data subject has given his/her unambiguous, free, specific and informed consent

III. CATEGORIES OF DATA SUBJECTS & PERSONAL DATA

6) Categories of Data Subjects

Please tick all that apply and give details where appropriate

- ☒ EBA Temporary Agents or Contract Agents
- ☒ SNEs or trainees of the EBA
- ☐ Visitors to the EBA (BoS, MB, Working Groups, Sub-Groups, Seminars, Events, other)
If yes, please specify:
- ☐ Providers of good or services
- ☐ Complainants, correspondents and enquirers
- ☐ Relatives and associates of data subjects

Other (please specify): Candidates applying for temporary and contract agent and seconded national expert vacancies at the EBA.

7) Categories of personal data

Please tick all that apply and give details where appropriate

(a) General personal data:

The personal data contains:

☒ Personal details: Information provided by the candidate to allow themselves to be identified and contacted e.g. surname, first name, address, email address, telephone number, gender, date of birth, nationality, social media accounts e.g LinkedIn, Skype, full rights as an EU citizen, fulfilment of military service obligations. If a candidate receives an invitation for an interview and/or written test, the following data will be processed: Identity card/passport.

☒ Education & Training details: Start and end dates, title of qualification awarded, diploma (level in the national and/or international classification), name and location of the organisation providing the education or the training, main study subjects or occupational skills covered. Languages: Including, for each language, the level in understanding, speaking and writing the language.

Other skills or information: Communication skills, organisational/managerial skills, job related skills, digital skills including a self-assessment on information processing, communication, content creation, safety, problem solving and knowledge of computer software, commitment to adhere to any security checks, if necessary, and any other additional information the candidate declares in a spontaneous basis or would like to annex to the application

☒ Employment details: Start and end dates, position/title held, employer information (name, address), description of the position (detailed description of the work, main activities and responsibilities), contracts/certificates/ reference letters from previous and current employers, payslips.

☒ Financial details: Legal entity and bank account details for the reimbursement of expenses. Information and documents provided by the candidate to support claims for the reimbursement of travel costs related to the interview and/or written tests or attendance at a middle management assessment centre are also handled: A completed and signed declaration of expenses form and the supporting documents listed in the form (tickets, e-ticket, train or bus tickets, copy of the travel agency invoice) and evidence of costs incurred for accommodation as well as the legal entity and bank account details

☐ Family, lifestyle and social circumstances

Other (please give details):

Candidates should inform the EBA if they have a disability that requires special arrangements to participate in the selection procedure.

Any documents that include personal data that can proof the fulfilment of the eligibility criteria for the vacant position.

(b) Special categories of personal data:

The personal data reveals:

- ☐ Racial or ethnic origin
- ☐ Political opinions
- ☐ Religious or philosophical beliefs
- ☐ Trade union membership
- ☐ Genetic or Biometric data
- ☒ Data concerning health, sex life or sexual orientation

Important Note

If you have ticked any of the sensitive data boxes contact the Data Protection Officer before processing the data further.

IV. CATEGORIES OF RECIPIENTS & DATA TRANSFERS

8) Recipient(s) of the data

To whom is the data disclosed?

- ☒ Managers of data subjects
- ☒ EBA staff members:
- The relevant EBA Human Resources staff members;
 - The members of the Selection Committee;
 - The Directors of Department/Heads of Unit and/or delegated staff of a recruiting department/unit who will consult the CVs and motivation letters of candidates on a relevant reserve list;
 - The Appointing Authority, i.e., the EBA's Executive Director;
 - The Finance and Procurement Unit's staff members handling the reimbursement of travel costs linked to the interview and/or written test or attendance at a middle management assessment centre or a pre-employment medical examination and the Accountant;
- Also, if appropriate, access will be given to the specialised members of the ICT Unit involved in the management of the Human Resources processes and the EBA's Legal Unit in the case of complaints.
- ☐ Relatives or others associated with data subjects
- ☐ Current, past or prospective employers

- ☐ Healthcare practitioners
- ☐ Education/training establishments
- ☐ Financial organisations
- ☒ External contractor: Contractors providing services for the assessment of candidates at an assessment centre for middle management functions receive the candidate's CV.

Other (please specify): If appropriate, access will be given to EU staff with the statutory right to access the data required by their function, i.e. the European Ombudsman, the, the Internal Audit Service, the European Court of Auditors, OLAF and the European Data Protection Supervisor

9) Data transfer(s)

Is the data transferred outside the EBA?

☒ Within the EBA

If yes, please specify: The data will only be transferred between the HR unit, members of the selection committee, Directors of Department/Heads of Unit and/or delegated staff of a recruiting department/unit who will consult the CVs and motivation letters of candidates on a relevant reserve list, the Executive Director/Acting executive Director, Finance and Procurement Unit's staff members handling the reimbursement of travel costs linked to the interview and/or written test or attendance at a middle management assessment centre or a pre-employment medical examination and the Accountant. If appropriate, access will be given to the specialised members of the ICT Unit involved in the management of the Human Resources processes, the EBA's Legal Unit in the case of complaints

☒ To other recipients within the EU: If appropriate, access will be given to the contractors providing services for the assessment of candidates at an assessment centre for middle management functions, EU staff with the statutory right to access the data required by their function, i.e. the European Ombudsman, the Civil Service Tribunal, the Internal Audit Service, the European Court of Auditors, OLAF and the European Data Protection Supervisor.

☐ To third countries

If yes, please specify:

a) the country:

b) whether suitable safeguards have been adopted:

Adequacy Decision of the European Commission² ☐

Standard Contractual Clauses ☐

Binding Corporate Rules ☐

Administrative Arrangements between public Authorities ☐

☐ To international organisations

If yes, please specify the organisation and whether suitable safeguards have been adopted:

² Third countries for which the European Commission has issued adequacy decisions are the following: https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en

Important Note

If no safeguards have been put in place, please contact the DPO before processing the data further.

V. RETENTION PERIOD & SECURITY MEASURES**10) Retention period (see Note 7)**

A. How long will the data be retained and what is the justification for the retention period?

The data will be retained for varying periods depending on the outcome of each application:

- Successful candidates: the data will be stored for ten years as of the termination of employment or as of last pension payment.
- Candidates included on a reserve list but not recruited: the data will be stored for the duration of the validity of the reserve list and then for the three years following the expiry of the reserve list's validity.
- Non-successful candidates: the data will be stored for three years following the Appointing Authority's decision on the offer to be made.
- Applicants invited for an assessment centre (Temporary Agents Middle Management positions): the contractor retains the assessment report, the CVs of the candidates and an automated report of the psychometric computer tests for as long as required by the data controller.

In the case of a formal appeal, all data held at the time of the formal appeal will be retained until the procedure is completed.

B. For further processing envisaged beyond the original retention period for historical, statistical or scientific purposes, please specify whether the personal data will be anonymised: N/A

☐ No

☒ Yes: After the allotted timeframe for retention of personal data has elapsed, the EBA may need to keep certain information for statistical purposes. In this case, any data permitting the identification of the candidate will be destroyed according to Article 4 of Regulation (EU) 2018/1725

11) Storage media & security of processing

A. Please indicate how and where the data processed are stored
(e.g. Share Point / cloud):

All personal data related to the selection procedure are stored in specific electronic and physical paper folders accessible only to the authorised recipients. Appropriate levels of access are granted on an individual basis only to the above recipients (see point 8 above).

B. Technical & Organisational Security measures adopted:

☒ Controlled access to ICT-system/controlled access codes

☒ Restricted access to physical location where data is stored

☒ Pseudonymisation and Encryption

☐ Back-up

☐ Audit trails

☒ Confidentiality agreement that will be part of the consent

☐ Test the effectiveness of security measures adopted

☒ Training of staff

Other (please specify): EBA staff members dealing with personal data in the context of the selection procedures at any stage are obliged to sign a confidentiality declaration that is kept in the folder of the procedure or in his/her e-personal file.

Selection procedure documents are stored in an electronic folder that is restricted only to the members of the selection committee and the Human Resources Unit during the selection and only the Human Resources Unit thereon after.

Consultation of the Data Protection Officer

Email Address: dpo@eba.europa.eu

Date of consultation: 20/10/2020

Date of approval of processing: 30/10/2020

Privacy statement available at:

<https://www.eba.europa.eu/sites/default/documents/files/documents/10180/15751/9113d401-76bc-40e9-8a31-a393a1bd447d/Internet%20Site%20-%20Data%20Protection%20-%20Privacy%20Notice%20-%20EBA.pdf?retry=1>

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