

## Privacy statement regarding the selection of the confidential counsellors at the European Institute of Innovation and Technology

This privacy statement provides information relating to the processing of personal data of candidates carried out by the European Institute of Innovation and Technology within the framework of the selection of the confidential counsellors.

The processing of personal data follows the provisions of 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<sup>1</sup> (hereinafter “the Data Protection Regulation of the European institutions”).

### What is personal data and what is a personal data processing operation?

**Personal data** shall mean any information relating to an identified or identifiable natural person (‘data subject’). An identifiable person is one 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 of that natural person.

**Processing** means any operation or set of operations which is performed on personal data or on sets of 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.

### Who are the data subjects?

The data subjects are the staff members of EIT who applied for the position of the confidential counsellor.

### Who is the controller of the data processing?

The data controller is the Head of Services and Finance Unit of EIT.

In the framework of joint controllership, the personal data of the candidates is also processed by the responsible Unit of the European Medicines Agency (EMA). The data subjects shall be also provided with the privacy statement of EMA regarding the selection of confidential counsellors.

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<sup>1</sup> OJ L 295, 21.11.2018, p. 39–98

### **What is the purpose of the personal data processing?**

The purpose of the processing is to select and identify candidates best qualified to assume the role of confidential counsellor and to manage administratively the applications and the selection procedure.

The data processing operations include the collection, recording, organisation, storage, consultation, use, disclosure by transmission, erasure and destruction of personal data. In particular, the personal information of the candidates contained in their application are accessed, evaluated, stored and eventually destroyed.

### **What types of personal data are processed?**

The following types of personal data are processed for the above mentioned purposes in accordance with the Data Protection Regulation of the European institutions:

- Name, gender, nationality, languages spoken, agency, contract category/grade, years in service, contract end date, current job title;
- Motivation letter;
- Experience in a field of confidential counsellor tasks;
- Relevant training in a field of confidential counsellor tasks.

The EIT does not require the applicants to submit any special category of data as part of the selection procedure. If participants decide to share such information, this is done spontaneously and thereby with unambiguous consent.

### **Who has access to the personal data of data subjects and to whom can they be disclosed?**

#### **Within the EIT:**

The personal data of the data subjects is processed by the EIT authorised staff: members of the inter-agency selection panel, members of EIT HR Team responsible for the management of the selection, and Director of EIT.

Access to the personal data may be given to the Internal Auditor of the EIT by request if necessary for the performance of the duties of the Internal Auditor.

#### **Within the Commission and other EU institutions/bodies/agencies:**

Access to the personal data of the candidates is also given to the members of the inter-agency selection panel.

Access to the personal data may be given for audit control or investigation purposes to the Court of Auditors, Internal Audit Service of the European Commission, European Anti-Fraud Office (OLAF).

Access to the personal data may be granted also to the European Ombudsman, the European Data Protection Supervisor, the General Court and the European Court of Justice upon request and to the extent necessary for handling complaints and litigation.

### **Third parties subject to the GDPR<sup>2</sup> and third parties not subject to the GDPR:**

Exceptionally, if necessary and following a case by case assessment,

- Information concerning the selection of the confidential counsellors may be disclosed to external lawyers (advocates) subject to the GDPR for specific and limited purposes only. In this case a written contract (service contract) is signed between the EIT and the external lawyer in order to ensure that that Article 29 of the Data Protection Regulation of the EU institutions is respected by the data processor. These written contracts follow the model of the European Commission and include a specific article on data protection.
- The same applies to external IT contractors with whom the EIT has a framework contract in order to provide IT services for the EIT.

### **How long do we keep your data?**

The retention period for the application files of the *selected candidates* is **5 years** following the end of the mandate.

In relation to *non-selected applicants*, the personal data shall be retained for a period of **2 years** following the end of the selection process for the possible review of the decision taken in the selection procedure.

### **What are the rights of the data subject?**

In accordance with Articles 15, 17, 18, 19 of the Data Protection Regulation of European Institutions the data subjects have the **right for information**, the **right of access**, the **right of rectification** in case their personal data is not complete or not accurate and the **right to erasure** (“right to be forgotten”).

The rights **for information and of access** also include a right of a data subject to have access to the evaluation results regarding all the stages of the selection procedure (pre-selection, interview, written tests, if any). One should also keep in mind that in any case neither comparative data concerning other applicants (comparative results), nor to the individual opinions of the EIT staff participating in the inter-agency panel in charge of the selection of the candidates should be disclosed to the data subject.

The **right of the rectification** of data subjects’ inaccurate data during the selection process has its limits. A data subject after the closing date of submitting the applications can change only objective and factual data, which is necessary to guarantee the fairness of the selection procedure.

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<sup>2</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

The data subjects have the right to obtain the **erasure** of their personal data in accordance with Article 19 of the Regulation and in particular in the cases when the personal data are no longer necessary in relation to the purposes for which they were collected, if the data subject withdraws its consent, or in case of unlawful processing.

Data subjects have also the **right to restriction** of processing of personal data in accordance with Article 20 of the Regulation, and the **right to object** on grounds listed in Article 23 of the Regulation.

The rights can be only exercised by sending a request in a written form to the [HR@eit.europa.eu](mailto:HR@eit.europa.eu). As a general rule, the requests for information, access, rectification, erasure restriction are handled without undue delay and in any event within one month of receipt of the request; this period may be extended by further two months where necessary, taking into account the complexity and number of requests. In case the data subject contests the accuracy of the data, upon request, the data is restricted immediately for the period of verification of the accuracy of the data, not exceeding on month.

Restrictions to the rights of data subjects may be applied by the EIT on a case-by-case basis, in accordance with Article 25 of the Data Protection Regulation of the European institutions and the EIT internal rules on restrictions<sup>3</sup>.

### **Who should be contacted in case of queries or complaints?**

If you have any queries concerning the processing of your personal data, you may address them to the internal EIT department responsible for the informal procedure at the following email [HR@eit.europa.eu](mailto:HR@eit.europa.eu).

You have the right of recourse at any time to the EIT's Data Protection Officer ([EIT-DPO@eit.europa.eu](mailto:EIT-DPO@eit.europa.eu)) and to the European Data Protection Supervisor ([EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu)) or contact the site: <http://www.edps.europa.eu/EDPSWEB/>.

### **How are the data secured?**

Security and technical measures: hardcopy files are kept in locked cupboards. Electronic data is stored on EIT network drive and is only accessible to the authorised EIT staff members.

Organisational measures: access to personal data regarding selection procedures is restricted to the authorised EIT staff (see above).

### **Legal basis of the processing operation**

#### **General legal basis:**

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<sup>3</sup> Currently under adoption. The final version will be published at the following link: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>

- Charter of Fundamental Rights of the European Union, thereof Article 1 and 31<sup>4</sup>;
- Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants (“CEOS”) of the European Economic Community and the European Atomic Energy Community, in particular Articles 1d, 12 and 12a of the Staff Regulations concerning behaviour which may infringe human dignity and Articles 10, 11, 80 and 81 of the CEOS<sup>5</sup>.

#### **Specific EIT legal basis:**

- Decision 16/2017 of the Governing Board of the European Institute of Innovation and Technology on the EIT Policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment<sup>6</sup>
- Manual for informal procedures for cases involving psychological and sexual harassment.

#### **Grounds for lawfulness**

In line with Article 5(a) of Regulation No (EU) 2018/1725, the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the EIT. The EIT carries out a fight against harassment in order to create a good working environment.

Furthermore, the processing is also lawful based on Article 5(d) of Regulation No (EU) 2018/1725. Participation in the selection procedure is voluntary.

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<sup>4</sup> OJ C 326, 26.10.2012, p. 391–407

<sup>5</sup> OJ P 045 14.6.1962, p. 1385

<sup>6</sup> 03363.EIT.2017.I.GB.WP