



EUROPEAN CLIMATE, INFRASTRUCTURE AND ENVIRONMENT EXECUTIVE AGENCY (CINEA)

CINEA.A - Programme Support & Resources
A.4 - Human Resources, IT & Logistics

Data Protection Notice

Inter-Agency Selection of Temporary Agents and Contract Agents

In accordance with Regulation (EU) 2018/1725 of 23 October 2018 on data protection (hereinafter the Regulation), the European Climate, Infrastructure and Environment Executive Agency (hereafter CINEA) collects your personal data only to the extent necessary to fulfil the precise purpose related to its tasks.

1. The **controller** is CINEA:

- a. Unit CINEA.A04 – Human Resources, IT and Logistics
- b. Person responsible for the processing: Head of Unit, CINEA.A.4
- c. Email: CINEA-HR-RECRUITMENT@ec.europa.eu

2. The **purpose of the processing** is

The purpose of the processing is to receive applications, evaluate and select the best candidates for temporary agents and contract agent positions available in CINEA and in the Executive Agencies associated in the context of the inter-agency common selection. This processing is done in compliance with the requirements of the Staff Regulation and CEOS, the relevant HR implementing rules and the related vacancy notice t.

The data processing aims at ensuring compliance with all requirements and proper management of selection procedures conducted by CINEA when acting as lead agency or when acting as a participating agency in the inter-agency common selection. The participating agencies will be clearly identified in the vacancy notice.

The processing in the context of the inter-agency common selections concerns only the selection phase until the establishment of reserve lists. The executive agencies participating in this type of selection act as joint controllers. The reserve lists are kept and managed by the lead agency and shared as appropriate with the associated agencies. The recruitment processes are managed by each agency and subject to own and specific data protection record and notice.

3. The **data subjects** concerned by this notice are

During the selection phase, data subjects are all applicants to a post in the context of this inter-agency common selection.

4. The **categories of personal data** collected and used for the processing operations are:

During the selection phase for temporary and contract agents, the following personal data may be requested from candidates and/or processed:

- identification data of the candidate: title, family name, first name, name at birth, date and place of birth, gender, number and validity date of identification document, email address, nationality/citizenship;
- Information provided by the candidate to allow practical organisation of the selection: address, postcode, city, country, telephone numbers, languages for correspondence, and special needs);
- Information provided by the candidate to allow reimbursement of their travel expenses: contribution form, copy of the identification document, legal entity form and financial identification form (with bank account number and bank details);
- Information contained in the CV. The level and type data depends on the amount of information that the candidates provides on their own will:
 - Work experience: occupation or positions held, start and end dates, position/title, work regime (full-time or part-time), main activities and responsibilities, name and address of the employer, type of business or sector, possible publications,
 - Education and training information: for each completed course, start and end dates, title of qualification awarded, principal subjects and occupation skills covered, name and type of organisation providing education and training, level in national or international classification,
 - Languages: for each language specified, proficiency (understanding: listening and reading, speaking: spoken interaction and spoken production and writing),
 - Skills and competences: Technical and non-technical skills relevant to the position; organisational, social or other skills,
 - Motivation, strengths and achievements,
 - References: Contact details of referees;
- Information concerning the assessment and interviews of the candidates:
 - Written test, which include the name of the candidate,
 - Pre-selection screening tables with the comments of the Selection Committee, Minutes of the Pre-selection and list of candidates to be interviewed signed by Selection Committee members and Appointing Authority,
 - Interview Performance grids with collective final comments of the Selection Committee, including an assessment of the candidate's individual performance, which are signed by all members of the Staff Committee and Appointing Authority,
 - Reserve list with the names of candidates retained during a given selection;
- Financial identification form and Legal Entity form for payment of expenses incurred in the course of the selection procedures;

5. The **recipients** of the data are:
All recipients are on a "need to know" basis:

Access to the data is granted only if there is a clearly specified administrative purpose, and only to those whose role and level of responsibility require them to have access. There are strict rules to limit access to personal data. HR staff dealing with the data is bound by confidentiality.

During the **selection phase**:

- The personnel in the HR Unit dealing with the selection and authorised staff in charge of recruitment and administration in the Executive agencies associated to the joint-selection procedure as indicated in the vacancy notice;

- If necessary, the personnel in the financial circuit for the reimbursement of travel and accommodation costs linked to the interview (access to) in the Executive Agencies associated to the joint-selection procedure,
- The members of the Selection Committee and the heads of the recruiting service in the associated Executive Agencies;
- The AHCC (Authority Empowered to Conclude Contracts of Employment) in the associated Executive Agencies;

In addition, data may be disclosed to public authorities, which are not regarded as recipient but may receive personal data in accordance with Union and Member State law, namely:

- The European Court of Justice or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure;
- The competent Appointing Authority in case of a request or a complaint lodged under Articles 90 of the Staff Regulations;
- OLAF in case of an investigation conducted in application of Regulation (EC) No 1073/1999
- The Internal Audit Service of the Commission within the scope of the tasks entrusted by article 118 of the Financial Regulation and by article 49 of the Regulation (EC) No 1653/2004
- The Court of Auditors within the tasks entrusted to it by Article 287 of the Treaty on the Functioning of the European Union of the EC Treaty and Article 20, paragraph 5 of Regulation (EC) No 58/2003
- The European Ombudsman within the scope of the tasks entrusted to it by Article 228 of the Treaty on the Functioning of the European Union
- The European Data Protection Supervisor in accordance with Article 58 of the Regulation (EC) 2018/1725
- The European Public Prosecutor's Office within the scope of Article 4 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office.

The transmission will be restricted to the information necessary for the competent entity to carry out its task.

6. Data Subjects rights:

Candidates may exercise their rights of access, rectification and erasure as set out in the Regulation.

However, after the deadline for submission an application the right of rectification may be restricted to material errors. Considering the confidential nature of the proceedings of a selection panel and the established case law of EU courts, access to personal data may be limited on the grounds of Article 25, paragraph 1, of Regulation (EU) 2018/1725.

In line with Article 25 of the Regulation, the data controller may thus restrict the rights of the data subjects based on the Decision of the Steering Committee (2020) 26 of 14/10/20 (OJEU L 45 on 9.2.2021, p. 80), in case where such restriction constitutes a measure necessary to safeguard the protection of the data subjects or the rights and freedoms of other data subjects, etc.

You can exercise your rights by sending an email with the requested change(s) to the controller via the functional mailbox indicated here-above in Section 1.

In any cases your data will be modified or removed accordingly and as soon as practicable (maximum within 15 working days).

When processing is based on your consent, you have the right to withdraw your consent at any time, without affecting the lawfulness of the processing before such a withdrawal.

7. How does CINEA protect and safeguard your data?

For Temporary and Contract Agents personal data is processed via the e- Recruitment tool, which abides to strict confidentiality and security measures to ensure data protection. This tool is operated via a contractor selected by CINEA and acting as processor, which is located in the EU and is subject to the GDPR (see below for more information).

Personal data of applicants is stored electronically on the EC servers or in the e-Recruitment tool and in paper and accessible only by the authorised personnel for the purposes of the selection and recruitment of candidates on a need to know basis.

- Electronic archives are kept on restricted Shared Drive and Functional mailbox and only accessible by designated staff members. Access to data is safeguarded by the internal European Commission IT systems, which protect against external users accessing the data. Access to electronic files is protected via the Commission security measures (use of password & ECAS authentication system, etc.). ;
- Members of the Selection Committee are responsible for maintaining the confidentiality of any documents or electronic files sent to them. They are requested to return, erase or destroy all confidential documents or files received.
- Paper archives where applicable are kept in closed cupboards in archive room with restricted access;

Specific measures for the e-Recruitment tool:

- Data entered by the candidates in the e-Recruitment tool is secured and only accessible by authorized staff members of the HR Unit's Staff Recruitment Team and designated Selection Committee members.
- The access to the e-Recruitment tool is done via a secured platform and using an individual password with access rights limited to specific user groups.
- The datasets are safeguarded in the Data Centers of the contractor, and therefore covered by the numerous defensive measures implemented to protect the integrity and confidentiality of the electronic assets.
- The contract with the contractor implementing the e-recruitment tool provides for obligations to ensure data protection (e.g. confidentiality, measures to take in case of data breach, no cloud outside the EU, etc.)

8. The legal basis of the processing are:

Lawfulness: Article 5 1 (a), (c) and (d) of the Regulation:

-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 Union institution or body;

- processing is necessary 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;

- the data subject has given consent to the processing (this applies for sharing the reserve list with one or more Executive Agencies: a consent form is thus to be provided to data subjects in that context).

The legal basis references which apply to the selection are contained in:

- Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes;
- Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture Executive Agency and repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU
- Staff Regulations of officials and the Conditions of Employment of other servants of the European Union [Title I, Title III (Chapters 1 and 2)];
- Conditions of Employment of Other Servants of the European Union (CEOS) [Title I, Title II (Chapters 1 and 3), Title IV (Chapters 1, 3, 4 and 5)];
- Steering Committee Decision SC(2015)004 laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the CEOS as regards executive agencies;
- Steering Committee Decision SC(2017)015 - Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed by the Commission under the terms of Articles 3a and 3b thereof;

9. The **time limits for keeping** the data are the following:

INEA applies the principles and retention periods indicated in Common Retention List of the Commission¹ by analogy.

Files documenting the organisation of selection procedures - 5 Years

Files on candidates for posts as contract or temporary staff (eliminated) - 5 years:

- Data stored in the profile of each candidate in the e-recruitment tool will be deleted in the absence of any activity during a period of 5 years. Candidates receive an automated message to update their profile within 15 days. If the update is not done, they are automatically removed from the e-Recruitment tool database.

Files on candidates for posts as contract or temporary staff (reserve list) - 2 years:

- The information related to recruited applicants is stored in their personal file. The file of non-recruited applicants is closed once the reserve list is expired.

Day-to-day management of human resources - 4 years

- Files on staff management, allocation of vacant posts, leave, etc., created for the purposes of sound management of human resources in the department concerned.

¹ SEC (2019) 900/2 - ARES(2019)4374520 – 09/07/2019

10. Contact information

In case you have any questions about the collection/processing of your personal data, you may contact the data controller who is responsible for this processing activity by using the email address mentioned here above in Section 1

You may contact at any time the Data Protection Officer of the Agency (CINEA-DPO@ec.europa.eu) You have the right to have recourse at any time to the European Data Protection Supervisor (edps@edps.europa.eu).