

## PROTECTION OF YOUR PERSONAL DATA

**This privacy statement provides information about the processing and the protection of your personal data.**

**Processing operation:** Selection and recruitment of staff, interimaire, Seconded National Experts(SNEs) National Liaison Officers (NLOs), and trainees

**Data Controller:** European Labour Authority, Resources Unit, Huma Resources (ELA HR Team)

**Record reference:** DPR-ELA-2022-0010

### Table of Contents

1. Introduction
2. Why and how do we process your personal data?
3. On what legal ground(s) do we process your personal data?
4. Which personal data do we collect and further process?
5. How long do we keep your personal data?
6. How do we protect and safeguard your personal data?
7. Who has access to your personal data and to whom is it disclosed?
8. What are your rights and how can you exercise them?
9. Contact information
10. Where to find more detailed information?

## **1. Introduction**

The European Labour Authority (hereafter 'ELA') is committed to protect your personal data and to respect your privacy. ELA collects and further processes personal data pursuant to [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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

The information in relation to processing operation "Selection and recruitment of staff, interimaire, Seconded National Experts(SNEs) National Liaison Officers (NLOs), and trainees" undertaken by European Labour Authority, Resources Unit, Human Resources (ELA HR Team) is presented below.

## **2. Why and how do we process your personal data?**

Purpose of the processing operation: ELA HR Team collects and uses your personal information for the evaluation of the received applications in relation to the published selection procedure for various positions like Temporary Agent (TA), Contract Agent (CA), Trainees or Seconded National Expert (SNE) and the recruitment of the selected candidates.

Your personal data will not be used for an automated decision-making including profiling.

## **3. On what legal ground(s) do we process your personal data**

We process your personal data, because, according to Article 5(1)(a) of Regulation (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 Union institution or body.

### Legal basis:

Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/34.4.

For the specific process of spontaneous applications, we may process your personal data, because, according to Article 5(1)(d), you have given your consent to the processing of your personal data for one or more specific purposes.

We process **special categories of personal data**, therefore, the Article 10 of the Regulation applies. In particular, we process: data concerning health:

- data on medical fitness (opinion provided by the Medical Service, with no medical information, only mention "apt" / "not apt")
- information provided by the candidate concerning special needs, in order to better set up the interview (if needed)

We process special categories of personal data, according to Article 10(2)(b) the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law insofar as it is authorised by Union law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

#### **4. Which personal data do we collect and further process?**

In order to carry out this processing operation ELA HR Team collects the following categories of personal data:

##### Pre-selection and Selection procedure:

- Name, surname, address, email address, phone number, gender, nationality, date of birth, as well as data regarding professional experience and working periods including in other Institutions/Agencies, education, language and skills as well as statutory link, function group and grade in case of candidates applying for inter-agency and inter-institutional procedures. This information is completed by a CV and a motivation letter. Further personal data processed during the selection phase will be the results of the candidate's performance during the written and oral tests.
- Interviews and written tests may take place either in presence or remotely via an online platform.
- In the event of an incident during the online assessment, additional personal data may be collected in the form of a report detailing the incidents detected.
- Information provided by the candidate concerning special needs.
- For managers, results of the assessment centre (feedback on the competencies tested in the assessment centre). For Contract Agents information whether they have passed/not any competition.

After the phase of pre-selection and selection explained below, a second phase take place:

##### Recruitment Procedure

- Extract of police record/certificate of good conduct/ Data relating to whether the candidate had been subjected to criminal or disciplinary sanctions in the past (in the form of a declaration to that effect, included in the application form)/ Data relating to the fulfilment of military obligations.
- Data on medical fitness (opinion provided by the Medical Service, with no medical information, only mention "apt" / "not apt");
- Information for the evaluation of selection criteria or eligibility criteria: expertise, technical skills and languages, educational background, professional experience including details on current and past employments (including the selection grid) and necessary information to establish the classification in grade, the step, the seniority date and individual entitlements of the person concerned;
- Data relating to linguistic and IT skills;

- Data relating to the civil status, spouse and dependent children (full name, address, date of birth);
- Bank account reference (IBAN and BIC codes), VAT number, passport number, ID number;
- Data relating to conflict of interest, which, in certain cases, includes the name, surname and information relating to the employment of the spouse/another family member (only where the candidate declares a potential conflict linked to the situation of the spouse/other family member);

The provision of personal data is mandatory to meet a legal requirement: Regulation (EU) 2019/1149, Staff Regulations, Financial Regulation. If you do not provide your personal data, we will not be able to fulfil our tasks. Please also find more information on legal basis under point 10.

For Contract Agents and Temporary Agents:

*Applications are received from EU CV online. This process is owned by the European Commission, Human Resources and Security (HR) and is covered by Record “DPR-EC-02050.2 EU CV online”, available here.*

*Applications are also collected directly from EPSO database. This process is owned by the European Commission, European Personnel Selection Office (EPSO) and is covered by Record “DPR-EC-01159 - Selection, by competition, of permanent staff for the European institutions or for Community bodies, offices and agencies”, available here*

Spontaneous applications:

ELA does not consider any unsolicited applications. Candidates can only apply for a vacancy published through the channels and within the deadlines indicated in the vacancy notice. Spontaneous applications will be deleted no later than 3 months after the date of receipt. Nevertheless, ELA HR team may inform the candidate about the possibility to be considered for an interimaire position and, if accepted, the CV will be forwarded to the external contractor and/or be considered to be part of the selection procedure.

Regarding this specific process, the provision of personal data is not mandatory.

**5. How long do we keep your personal data?**

ELA HR Team only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for:

- Selection procedures for contract staff, temporary staff, trainees and seconded national experts - Successful candidates: Files related to procedures for the selection of contract staff, temporary staff and seconded national experts will be kept for **10 years**.
- Selection of interim Staff - Successful candidates: **5 years**
- Selection procedures for trainees - Successful candidates: **10 years**
- Candidate files: Reserve list - Successful candidates: Period of validity of the reserve list
- Candidate files –Non successful candidates: **2 years**, candidates may be consulted before deletion in order to renew their consent to be part of ELA database for 2 years more.
- Unsolicited applications: **3 months**. ELA HR team may inform the candidate about the possibility to be considered for an interimaire position and, if accepted, the CV will be forwarded to the external contractor and/or be considered to be part of the selection procedure and be kept for a longer period.

- Extract of the police record: Checked and encrypted by ELA HR Team, kept for **1 year** after the person concerned took up duties and deleted afterwards.

## **6. How do we protect and safeguard your personal data?**

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored either on the servers of the European Labour Authority or of its contractors.

File administrator in ELA HR Team will have access to all data categories, except data on medical fitness, as only a explicit mention “apt” / “not apt” is needed.

The Administration and Payment of Individual Entitlements (PMO) services and the Medical Services from the European Commission will have access to specific data:

- The PMO will have access to all data categories, since they are included in the file, with the exception of the criminal record, that once is checked by the file administrator is encrypted and only a reference to clear/non clear will be made. This specific process is covered by Record(s) of the European Commission.
- Medical service has access to the full name, date of birth and type of post on which recruitment is to take place. This access is granted only where the medical check-up is needed for recruitment (if the check-up was performed in another context, such as for an earlier recruitment, a new check-up is not necessary). This specific process is covered by Record DPR-EC-01837 Individual medical file - electronic (SERMED)

ELA’s contractors are bound by a specific contractual clause for any processing operations of your data on behalf of ELA, and by the confidentiality obligations deriving directly from the General Data Protection Regulation in the EU Member States (‘GDPR’ Regulation (EU) 2016/679.)

In order to protect your personal data, ELA has put in place a number of technical and organisational measures in place. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

## **7. Who has access to your personal data and to whom is it disclosed?**

Access to your personal data is provided to ELA staff responsible for carrying out this processing operation and to authorised staff according to the “need to know” principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

Please note that pursuant to Article 3(13) of the Regulation, public authorities (e.g. Court of Auditors, EU Court of Justice) which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients. The processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

## **8. What are your rights and how can you exercise them?**

You have specific rights as a ‘data subject’ under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, you have the right to erase your

personal data, to restrict the processing of your personal data, to object to the processing, and the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a) on grounds relating to your particular situation.

For the specific process of spontaneous applications, you have consented to provide your personal data to ELA HR Team for the present processing operation. You can withdraw your consent at any time by notifying the Data Controller. The withdrawal will not affect the lawfulness of the processing carried out before you have withdrawn the consent.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

## **9. Contact information**

### **- The Data Controller**

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller:

[recruitment@ela.europa.eu](mailto:recruitment@ela.europa.eu)

### **- The Data Protection Officer (DPO) of ELA**

You may contact the Data Protection Officer ([data-protection@ela.europa.eu](mailto:data-protection@ela.europa.eu)) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

### **- The European Data Protection Supervisor (EDPS)**

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

## **10. Where to find more detailed information?**

ELA Data Protection Officer (DPO) publishes the register of all processing operations on personal data by ELA, which have been documented and notified to him. You may access the register via the following link: <https://www.ela.europa.eu/en/privacy-policy>

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR-ELA-2022-0010: Selection and recruitment of staff, interimaire, Seconded National Experts(SNEs) National Liaison Officers (NLOs), and trainees.