

## **PRIVACY STATEMENT ON DATA PROTECTION IN THE AREA OF PERSONNEL SELECTION AND RECRUITMENT**

The Agency for the Cooperation of Energy Regulators (the 'Agency') processes the personal data of all candidates for vacancies in line with Regulation (EC) N° 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

### **Identity of the controller in practice**

Head of the Administration Department of the Agency for the Cooperation of Energy Regulators.

### **Purpose of processing**

- Organisation of selection procedures to recruit temporary agents and contract agents;
- Management of applications at the various stages of the selections;
- Management and control of the use of reserve lists.

### **Lawfulness of the processing operation**

In line with Article 5(a) of Regulation 45/2001, the processing is necessary for the performance of a task carried out in the public interest and for the exercise of the Agency tasks on the basis of Decision AB No. 10/2011 on the adoption of general implementing provisions on the procedure governing the engagement and the use of temporary agents at ACER (Articles 3 and 4) and Decision AB No. 11/2011 on the adoption of general implementing provisions on the procedures governing the engagement and the use of contract staff at ACER (Article 5). A general legal basis can also be found in the Staff Regulations (SR) and the Conditions of Employment of Other Servants of the European Communities (CEOS), laid down by Council Regulation (EEC, EURATOM, ECSC) No. 259/68 last amended by Council Regulation (EC, EURATOM) No. 31/2005 of December 2004, and in particular Articles 12-15 and 82-84, 86 of the CEOS. In particular, the selection procedure and recruitment are necessary for the management of the functioning of the Agency and for the implementation of its specific activities.

You are free to give your data on a voluntary basis. All candidates applying for a vacancy and providing information including personal data to the Agency by any means (in particular by paper or electronic form) are deemed to have

unambiguously given their consent for the subsequent processing operations in application of Article 5(d) of Regulation 45/2001.

### **Recipients of the data processed**

- Human Resources Management Team (more specifically staff in charge of recruitment);
- Members of the Selection Board;
- Appointing Authority (Director of the Agency);
- Also, if appropriate, access will be given to the European Court of Auditors, the European Ombudsman, the European Data Protection Supervisor, the General Court of the European Union, the European Court of Justice and the Civil Service Tribunal;
- If requested, personal data can be disclosed to the European Anti-Fraud Office (OLAF);
- In case of recruitment, the personal data will be disclosed to other offices of the Commission (PMO) in order to establish the rights of the future staff members;
- Should the applicant's name be put on a reserve list, access to the reserve list and to the applicant's data will be provided to the Head of Department interested in the recruitment of the person. On exceptional basis, upon request of the Head of Department, the Human Resources Management Team may grant access to the Team Leader for the assessment of suitable profiles.

### **Categories of data collected and processed**

- Personal data allowing identification of the candidate (such as surname, first name, date of birth, email address, citizenship, private address, country of origin, etc.);
- Information provided by the candidate to allow the verification of his/her eligibility (CV, university degree diploma, certificates proving a minimum experience required, languages, police register, etc.);
- Results of the selection procedure with the identification of selected, potential (reserve list) or not selected candidates;
- Personal data received from successful candidates to complete the recruitment phase, social security scheme, photographs, marriage certificate and/or birth certificate of children (financial and legal identity forms, bank account, medical examination, and relevant financial and other information, etc.);
- Other information necessary for the purposes of selection and recruitment.

### **Date when processing starts**

Date of the application.

### **Data storage and data retention policy**

1) The data is processed on paper and in electronic form and is stored with access limited to authorised HR staff (electronically in the restricted access folder). Paper application files and hard copies are stored in locked cabinets in the HR team until their destruction. All copies distributed to the selection panel members for the purpose of selection, are returned to the HR team after the conclusion of the selection procedure.

2) Data related to recruited applicants: the data is stored in the personal file throughout the employment at the Agency. The personal files will be retained for a period of 10 years as of the termination of the employment or as of the last pension payment slip is sent.

3) Data related to non-recruited applicants: the data will be stored for 2 years following the Appointing Authority's approval of the outcome of the selection procedure.

4) Data pertaining to non-recruited applicants on the reserve list for appointment is kept for the validity and the actual extension of the reserve list, and will be stored for 2 years after the expiry of the validity of the reserve list.

5) The Agency does not process or keep spontaneous applications. All spontaneous applications sent to the Agency will be destroyed or deleted from the mailbox every 6 months.

### **What are your rights as a data subject?**

The rights of data subjects are defined by Regulation (EC) No 45/2001. In particular, data subjects have the right of access, rectification, blocking of data, erasure. The Director Decision 2011-027 adopting implementing rules on data protection at the Agency for the Cooperation of Energy Regulators sets forth the procedure for the exercise of those rights. However, it is not possible for the data subject to request the rectification of the evaluation data (which are subjective by nature). In the case of data related to the admissibility criteria, the right of rectification can no longer be exercised after the closing date of candidatures' submission.

Data subjects may at any time consult the Agency's responsible unit processing the personal data, or have recourse to the Data Protection Officer of the Agency and to the European Data Protection Supervisor. A request for access, rectification, blocking of data, erasure must be addressed in writing and will be handled within 30 days upon its receipt by the Agency. The fact that such a request has been submitted cannot result in unequal treatment of the candidates.

Upon request, candidates are given access to the evaluation results regarding all stages of the selection procedure (pre-selection, interview and written test),

provided that it does not undermine the confidentiality of the Selection board proceedings and the Agency's decision-making process unless there is an overriding public interest in disclosure, and unless the exception of Article 20(1)(c) of Regulation (EC) No 45/2001 in line with Article 6 of the Annex III to the Staff Regulations are applied. This exception may imply that access should be granted neither to the comparative data concerning other applicants (comparative results), nor the individual opinions of the members of the Selection Committee if such access would undermine the rights of other applicants or the freedom of members of the Selection Committee. Nevertheless, data subjects should be provided with aggregated results.

Written requests must be addressed to the contacts indicated below.

### **Controller in practice**

#### **Ms Olga Borissova, Head of Administration**

Administration Department

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#### **Mr Paul Martinet, Data Protection Officer**

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### **European Data Protection Supervisor**

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