



European Research Council  
Executive Agency

Established by the European Commission

Brussels, May 2022  
ERCEA.D.2

## DATA PROTECTION NOTICE

### ERCEA Unit D.2 – “Human Resources”

#### Staff Selection

This notice concerns the processing operation called “**Staff Selection**”. This applies for Contract Agent 3(a) and Temporary Agent 2(f) selections, and notably for operations related to Spontaneous Applications, Internal Publications, Inter-Agency Mobility publications, applications of Contract Agent candidates registered for Contract Agent Selection Tests (CAST) with the European Personnel Selection Office (EPSO) and applications to Calls for Expression of Interest. This processing requires the handling of personal data and is therefore subject to Regulation (EU) 2018/1725 (Data Protection Regulation).<sup>1</sup>

### 1. What personal information do we collect, from where and for what purpose?

#### 1a) Personal data

During the selection phase, the following documents and personal data may be requested from candidates and/or processed<sup>2</sup>:

- **Identification data and data on telephone numbers and communications:**
  - Title, first name, surname, city and country of residence, private phone number, private e-mail address, ID documentation<sup>3</sup>, nationality/citizenship.
- **Data concerning the data subject’s career and information concerning recruitment and contracts:**
  - **Knowledge of languages**, including, for each language, the level of understanding, listening, reading, spoken proficiency, written proficiency;
  - **Work experience**, including, for each experience, start and end dates, position/title held, work regime (full-time or part-time), main activities and responsibilities, name and address of the employer, type of business, sector, possible publications, current contract or HR certificate demonstrating the contract type as well as the duration at which the contract was concluded, proof of the completion of military service (if applicable);
  - **Education and training information**, including, for each course, start and end dates, title, qualification, diploma (level in the national and/or international classification), main study subjects, name of the organisation providing the education or the training, possible publications;
  - **Skills and competences**: Technical and non-technical skills relevant to the position; organisational, social or other skills;
  - **Motivation, strengths and achievements**: the motivation to apply and a description of relevant strengths and achievements;
  - **References**: Contact details of referees or performance reports (e.g. probationary report, appraisal reports).

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<sup>1</sup> 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>2</sup> Candidates may spontaneously reveal further types of data not enumerated in the present Data Protection Notice. However, the ERCEA does not actively request or collect data other than those listed in this Notice.

<sup>3</sup> ID documentation may reveal further personal data (e.g. photograph, gender, civil status, date and place of birth). However, we only request ID documentation for the purpose of providing access to the premises of the ERCEA.

- **Data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct):**
  - Outcome of EPSO CAST results (for candidates for Contract Agent posts) and the content of supplementary evaluation methods (e.g. written tests);
  - Collective final appreciation of the Selection Committees or Recruitment Panels of candidate's individual performance.
- **Biometric data (signatures):**
  - Hand-written signatures on supplementary evaluation methods carried out by the Agency.
- **Data concerning health:**
  - Information or documentation about any physical constraint requiring special measures/delays to attend the interview or supplementary evaluation method.

## 1b) Purposes of the processing

The ERCEA processes personal data during the selection phase in order to evaluate the eligibility, the expertise and the suitability of applicants for current or future vacancies. The initially collected data may be also processed in the context of a possible recruitment of selected candidates.

The Controller may envisage anonymous statistical analyses with the purpose of improving the quality of the processes and the management of human resources.

Further information concerning other types of processing of personal data related to careers, please refer to the ERCEA website: <https://erc.europa.eu/about-erc/careers>.

For internal publications, for which candidates apply in SYSPER, please see also SYSPER's data protection notices here: <https://europa.eu/km76PF>.

For EPSO's privacy policy, please refer to the following link: <https://europa.eu/lrr78Yq>.

## 1c) From where the data are collected

Data are submitted directly by applicants either to:

- **SYSPER** for applications of ERCEA staff members for internal publications;
- **EPSO's** interinstitutional database for Contract Agent applications;
- the Functional Mailbox (FMB) managed by the ERCEA [ERC-SELECTION@ec.europa.eu](mailto:ERC-SELECTION@ec.europa.eu) for applications to Calls for Expression of Interest, for the Contract Agent Job Market and for Inter-Agency Mobility publications;
- the FMB managed by the ERCEA [ERC-SPONTANEOUS-APPLICATIONS@ec.europa.eu](mailto:ERC-SPONTANEOUS-APPLICATIONS@ec.europa.eu) or to an ERCEA staff member, who forwards the application to this FMB, for spontaneous applications;
- the FMB managed by HR Unit and used for a specific selection process as indicated in the relevant Call.

## 2. Who has access to your information, how is it secured and to whom is it disclosed?

The HR Unit is responsible for the management of any documents produced, circulated and/or received, ensuring the appropriate treatment of all documents. Recruiting services and Selection Committee members are responsible for undertaking the necessary measures to ensure that documents are processed and managed in a rule-compliant and secure manner.

E-mails including personal data (e.g. applications of candidates, communications, etc.) should be sent via encrypted e-mail (SECEM). Access to files saved on the ERCEA Shared Drive, the relevant FMBs, or of which a physical copy is kept, is limited to authorised personnel.

The official register of the Agency is ARES/NomCom and all files therein are processed using the restricted marking. SYSPER is the HR Information System of the European Commission. Access to personal data is protected by strict access rights, which are limited to authorised personnel.

The persons with access to your personal data, on a **need-to-know basis**, are:

- The members of the HR Unit and authorised personnel dealing with staff selections, and, for selected candidates, personnel handling the recruitment file;
- The members of Selection Committees, Recruitment Panels or the Heads of recruiting services (including, only in exceptional cases, members of the ERC Scientific Council or other EU institutions and agencies, where relevant);
- The AHCC (Authority Empowered to Conclude Contracts of Employment), i.e., the ERCEA's Director;
- The members of the HR Units as well as recruiting services in other Executive Agencies with which the ERCEA shares its Reserve Lists.

In addition, certain administrative details may be disclosed, in compliance with the relevant current legislation and established case law, and on a temporary basis to legislative or supervisory bodies of the ERCEA, as well as auditing bodies or courts.

### 3. What are your rights?

You have the right to access the personal data the ERCEA holds about you and to request to have them rectified where necessary. In certain cases, you also have the right to have your data erased, the right to object to processing or the right to data portability.

To exercise any of these rights, you should apply to the Head of Unit D.2 – “Human Resources”, who is responsible for such processing (i.e. the Controller), by sending an e-mail specifying your request to the mailbox indicated in point 5. Please note that in some cases restrictions under the terms and conditions of Article 25 of the Data Protection Regulation may apply.

With regard to the right of rectification, please be informed that in the case of data identifying your person, your right to update, rectify or erase those data can be exercised at any time during the procedure. On the contrary, data related to the eligibility criteria can be completed and corrected until the deadline for submission but cannot be rectified thereafter. Withdrawal of applications is possible at any time.

If you are included on an ERCEA Contract Agent Reserve List, you also have the right to object to the sharing of their personal data with other Executive Agencies.

As regards the personal data kept by EPSO and SYSPER, please refer to the data protection notices cited under point 1b).

### 4. How long do we keep your data?

Currently, the ERCEA applies by analogy the principles and the retention periods indicated in the Common Commission-Level Retention List SEC(2019)900/2 of 19 April 2019.

- The personal data of **candidates that are not retained on a Reserve List** (ineligible, not shortlisted, unsuccessful) are kept for a maximum of five years after the conclusion of the selection process.
- The personal data of **non-recruited candidates that have been included on a Reserve List** are kept for a maximum of two years from the date of the expiration of the Reserve List.

In the event that an application in the context of selection processes is withdrawn, the ERCEA's HR Unit keeps personal data until the closure of the selection process and then erases the respective data.<sup>4</sup>

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<sup>4</sup> With the exception of applications in SYSPER, for which the retention period indicated in the SYSPER Data Protection Notice applies.

The ERCEA's HR Unit keeps spontaneous applications, including the supporting documents submitted, for one year. In case of a request for withdrawal, the ERCEA deletes the entire application without undue delay.

The ERCEA may envisage anonymous statistical analyses with the purpose to improve the quality of the processes and the management of human resources. However, the retention periods mentioned above will not be increased.

## 5. Contact information

If you would like to receive further information, you can contact the responsible person (the Data Controller), Head of Unit D.2 – “Human Resources” via the mailbox: [ERC-SELECTION@ec.europa.eu](mailto:ERC-SELECTION@ec.europa.eu).

The mailbox for spontaneous applications is: [ERC-SPONTANEOUS-APPLICATIONS@ec.europa.eu](mailto:ERC-SPONTANEOUS-APPLICATIONS@ec.europa.eu).

The ERCEA Data Protection Officer is at your disposal for any clarification you might need on your rights under Regulation (EU) 2018/1725 at the following e-mail address: [ERC-DATA-PROTECTION@ec.europa.eu](mailto:ERC-DATA-PROTECTION@ec.europa.eu).

You may 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.

## 6. Legal basis

The legal basis applying to this processing operation are:

- Article 5(1)(a) of Regulation (EU) 2018/1725 given that 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. More specifically, the processing of personal data necessary for the management and functioning of the Union Institutions or bodies (Recital 22 of Regulation (EU) 2018/1725).
- Article 5(1)(b) given that the processing is necessary for compliance with a legal obligation to which the controller is subject.

Specific legal bases for the ERCEA's staff selection procedure:

- The Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union [Title I, Title III (Chapters 1 and 2)];
- The 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)];
- Implementing Rules on the engagement and use of Temporary Agents (Decision of the Steering Committee StC260215/5a, adopted on 19 March 2015);
- Commission Decision (2017)6760 of 16 October 2017 on the general provisions for implementing Article 79(2) of the CEOS, governing the conditions of employment of contract staff employed by the Commission under the terms of Articles 3a and 3b thereof, which is applicable to the ERCEA in accordance with the Decision of the Steering Committee StC191217/7;
- Internal Mobility Guidelines (ARES(2022)3727306 of 17 May 2022);
- Staff Selection Procedure (ARES(2022)3608629 of 12 May 2022).