



## DATA PROTECTION NOTICE ERCEA Unit D.2 – “Human Resources” Staff Recruitment

This notice concerns the processing operation called “**Staff Recruitment**”. This applies for Contract Agent 3(a) and Temporary Agent 2(f) recruitments in the context of Inter-Agency Mobility or external selections. 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 recruitment phase, the following documents and personal data may be requested from data subjects and/or processed<sup>2</sup> in order to establish the personal file and contract:

- **Identification data and data on telephone numbers and communications:**
  - Title, first name, maiden name, surname, ERCEA personnel number, permanent private address, private phone number, private e-mail address, date and place of birth, gender, ID documentation<sup>3</sup>, a passport-sized photograph, nationality/citizenship.
- **Data concerning the data subject’s career and information concerning recruitment and contracts:**
  - **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;
  - **Work experience**, including, for each individual 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 any), CV, data subject’s job offer from the ERCEA and his/her decision, ERCEA contracts of employment and amendments, transfer decisions;
  - **EPSO letter** confirming the data subject passed the relevant CAST profile (for Contract Agents only).
- **Information concerning pay, allowances and bank accounts:**
  - Data necessary to determine the individual rights and financial entitlements (e.g., through PMO forms) including data on the data subject’s bank account, past residences, last tax domicile and place of origin, the data subject’s household, travel expenses forms (when taking up duties and/or at the end of service), daily subsistence allowance proof. Where necessary, the ERCEA’s Unit D.2 – “Human Resources” may request additional financial information to establish the individual rights.

<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> Data subjects 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).

- **Data relating to suspected offences, offences, criminal convictions or security measures:**
  - An extract from the data subject's criminal record or a certificate of good behaviour, issued at the place of residence less than three months prior to submission, certifying that the data subject enjoys his/her full rights of as a citizen and has the appropriate character references as to his/her suitability for the performance of his/her duties.
- **Data concerning health:**
  - The Medical Service of the Commission in charge of the pre-recruitment medical visit prepares and sends the data subject's "medical clearance" to the ERCEA's Unit D.2 – "Human Resources". Medical data, such as the results of medical examinations or diagnoses, are retained by the Medical Service and are not provided to the ERCEA. The ERCEA has no access to medical files;
  - Information about any physical constraint requiring special measures to carry out the work.
- **Data concerning the data subject's family:**
  - Marital status certificate (e.g., marriage or civil partnership), birth certificates of any children, data concerning spouse/partner's professional activities including household allowances.
- **Biometric data (signatures):**
  - Hand-written signatures on PMO forms and contracts.

Further personal data may be referenced by the data subject in the declarations on the absence of a conflict of interest and of confidentiality.

### **1b) Purposes of the processing**

The ERCEA processes personal data during the recruitment phase in order to evaluate the eligibility of the data subject, to establish the grading, the contract and individual rights and to constitute the personal file. Upon recruitment, further documents will be added to the personal file during the career of the data subject.

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

For information concerning other types of processing of personal data related to the career of statutory staff of the ERCEA, please refer to the ERCEA intranet "Human Resources - Data Protection & Privacy": <https://europa.eu/lqW78GN>.

For the Medical Service's privacy statement, as regards the medical clearance, please refer to the following link: <https://europa.eu/!Px88um>.

### **1c) From where the data are collected**

Data are submitted in paper form directly by the data subject to the ERCEA's Unit D.2 – "Human Resources" during the pre-recruitment administrative appointment which follows the electronic acceptance of the ERCEA's offer. Moreover, personal data initially collected during the selection phase may be further processed in the recruitment phase.

For data subjects who were previously employed in the European institutions or bodies that use SYSPER, certain data linked to their career history and work patterns may also be extracted directly from SYSPER.

## **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.

E-mails including personal data should be sent via encrypted e-mail (SECEM). Access to files saved on the ERCEA Shared Drive or [ERC-RECRUITMENT@ec.europa.eu](mailto:ERC-RECRUITMENT@ec.europa.eu), of which a physical copy is kept, is limited to authorised staff members.

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 the management of the access rights, which are strictly 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 recruitment;
- Services of the European Commission: the PMO (e.g., for preparation of the salary slips), the OIB (e.g., for the provision on particular office equipment) and the Medical Service (e.g., the pre-recruitment medical visit organisation).
- The AHCC (Authority Empowered to Conclude Contracts of Employment), i.e., the ERCEA's Director.

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.

### 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 (CRL). Personal files of recruited staff members are retained for eight years after the termination of all rights of the person concerned and of any dependants, and for at least 100 years after the date of recruitment of the person concerned.

The “extract of the criminal record” mentioned in section 1a) above is returned to the data subject and only a standard form confirming the content is stored in the personal file.

The ERCEA may envisage anonymous statistical analyses with the purpose to improve the quality of the processes and the management of human resources. However, 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-RECRUITMENT@ec.europa.eu](mailto:ERC-RECRUITMENT@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 basis for the ERCEA's staff recruitment 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)];
- Article 26 of the Staff Regulations (recalled by Articles 11 and 81 of the CEOS) governs the constitution and processing of the personal file;
- 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).