

EEAS PRIVACY STATEMENT - DATA PROTECTION NOTICE

FOR THE PURPOSE OF PROCESSING PERSONAL DATA RELATED TO SELECTION, RECRUITMENT AND ADMINISTRATIVE MANAGEMENT OF CONTRACT AGENTS (CAs) IN EU DELEGATIONS

1. INTRODUCTION

The protection of your personal data and privacy is of great importance to the European External Action Service (EEAS), including the Delegations of the European Union. You have the right under EU law to be informed when your personal data is processed [collected, used, stored] as well as about the purpose and details of that processing.

When handling personal data, we respect the principles of the Charter on Fundamental Rights of the European Union, and in particular Article 8 on data protection. Your personal data are processed in accordance with Regulation (EU) 2018/1725 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, aligned with Regulation (EU) 2016/679, the General Data Protection Regulation. In this privacy statement you find information about how the EEAS and EU Delegations process your personal data and what rights you have as a data subject.

2. PURPOSE OF DATA PROCESSING: Why do we process your data?

The purpose of the data processing activity is to manage selection procedures, recruitment and administrative procedures for contract agents in EU Delegations.

3. DATA PROCESSED: What data do we process?

I. Data, including personal data, processed from the contract agent:

- Full Name
- Address
- Gender
- Date and place of Birth
- Nationality
- ID
- Personal Number
- Status
- Current place of assignment (if applicable)
- Duration of contract
- Future place of assignment
- Data regarding professional experience, qualifications and skills, including CVs and motivational statements
- Results of the Interview/ selection panel reports

II. Data processed from the Head of Delegation, Head of Section, Head of Administration, Panel Secretary and the Staff Representative included in the report from the selection panel:

- Name
- Last Name
- Service/Function

4. DATA CONTROLLER: Who is entrusted with processing your data?

The data controller determining the purpose and the means of the processing activity is the European External Action Service. The EEAS Division entrusted with managing the personal data processing under the supervision of Head of Division is the following entity:

EEAS Division 'Selection and Recruitment' (RM.HR.2)

Each Delegation under the supervision of the Head of Delegation is responsible for the personal data processing in compliance with the provisions of Regulation (EU) 2018/1725.

5. RECIPIENTS OF THE PERSONAL DATA: Who has access to your data?

Recipients of the data, including personal data, in EU Delegations:

- Head of Delegation, Head of Administration

Recipients of the data, including personal data, in Headquarters:

- Assigned staff of Division 'Selection and Recruitment' RM.HR.2 and other relevant RM.HR services dealing with contract agents (Division 'Field Security'- RM.SECRE.1 for RSOs/RSAs and Digital Solutions - RM.BS.3 for RITOs)

- Appointing Authority
- Members of selection panels
- European Commission DG HR B2 - Unit dealing with recruitment of contract agents

Personal data is not intended to be transferred to a third country nor to an international organisation. The given information will not be communicated to third parties, except where necessary for the purposes outlined above.

6. ACCESS, RECTIFICATION, ERASURE OF DATA: What rights do you have?

You have the right of access to your personal data and the right to correct your inaccurate or incomplete personal data, taking into account the purpose of the processing. The right of rectification can only apply to factual data processed. Under certain conditions, you have the right to ask the deletion of your personal data or restrict their use as well as to object at any time to the processing of your personal data on grounds relating to your particular situation. We will consider your request, take a decision and communicate it to you without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary. For more detailed legal references, you can find information in Articles 14 to 21, 23 and 24 of Regulation (EU) 2018/1725. In specific cases, restrictions under Article 25 of the Regulation may apply. Special attention is drawn to the consequences of a request for deletion, in which case any trace to be able to contact the data subject will be lost. If you wish to exercise your rights or have questions concerning the processing of your personal data, you may address them to the Data Controller via the functional mailbox:

selection-and-recruitment@eeas.europa.eu

7. LEGAL BASIS: On what grounds we collect your data?

Lawfulness:

The processing of your personal data is necessary for the performance of a task carried out in the public interest, [Article 5(1)(a) of Regulation (EU) 2018/1725], as mandated by the Treaties, in particular by articles 5, 11, 20, 21-40, 42, 43 of the Treaty on European Union (TEU) and 2 (4) and (5), 205, 220-221, 326 – 334 of the Treaty on the Functioning of the European Union (TFEU). In this context, processing of personal data related to selection and recruitment of Contract Agents in EU Delegations is necessary for the management and functioning of the EEAS as referred to in Recital 22 of Regulation (EU) 2018/1725.

Specific legal references:

- Conditions of Employment of Other Servants (CEOS/"RAA"): articles 79 and 80, 82 to 87 and 119.
- Decision of the High Representative of the European Union for Foreign Affairs and Security Policy of 22 November 2011 on general implementing provisions (GIPs) for giving effect to the Staff Regulations and to the CEOS.PROC HR(2011)013.
- General Implementing Provisions on the procedures governing the engagement and the use of contract staff at the Commission C(2011)1264 final, 2 March 2011
- Commission Decision of 16 December 2013 C (2013)8967 final amending the GIPs.
- Commission Decision of 16 December 2013 (2013)9054 final on measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the European Union.
- Decisions concerning the Mobility for EEAS Contract Agents in the Delegations of the European Union and the Implementing Guidelines.

Further references:

- [Council Decision of 26 July 2010 establishing the organisation and functioning of the EEAS \(2010/427/EU\) – OJ L 201, 3/8/2010, p. 30](#)
- Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:32018R1046>
- [Code of Good Administrative Behaviour](#)

8. TIME LIMIT - DATA STORING: For what period and how we process your data?

Data Storage:

- In case of recruited applicants the personal data are retained for 10 years after the termination of employment or as of the last payment related to employment.
- Personal data of recruited candidates are stored in Sysper according to the retention policy of the Sysper IT system.
- In case of non-recruited applicants of selection, recruitment and rotation procedures, personal data are kept for 2 years after the closure of the selection exercise, unless complaints are made to the European Ombudsman or the decision is challenged in court.

- In case of a complaint to the Ombudsman or a litigation, to allow for the exhaustion of all appeal channels, including appeals before the Court of Justice of the European Union and the required follow-up to judgments, the personal data shall be kept no longer than:
 - 2 years after the final decision in case of complaint before the Ombudsman
 - 5 years with an additional maximum of 2 years after the judgment on the pending case is final in case of a litigation, i.e. 5 years from the date on which the European Parliament grants discharge for the budgetary year in which the final judgment was delivered (5 + 2 years)
- In case of non-recruited applicants on the "CAST reserve lists for appointment" the data is kept for 2 years after the end of validity of the respective reserve lists, including eventual extensions of the list.
- Payment related financial documents linked to reimbursement of travel expenses related to the selection, recruitment, mobility and rotation exercises are kept for 5 years from the date on which the European Parliament grants discharge for the budgetary year to which the data relates, i.e. 5 + 2 years.
- When appropriate, personal data contained in supporting documents are deleted where possible as long as these data are not necessary for further purposes, e.g. control, inspection and audit, in particular in accordance with article 75 of the Financial Regulation.
- Criminal records of applicants are checked and not to be registered in accordance with the EDPS prior checking opinion: https://edps.europa.eu/sites/default/files/publication/09-05-07_agencies_recruitment_en.pdf

9. EEAS DATA PROTECTION OFFICER: Any questions to the DPO?

In case you have queries you can also contact the EEAS Data Protection Officer at data-protection@eeas.europa.eu.

10. RECOURSE

You have at any time the right of recourse to the European Data Protection Supervisor at edps@edps.europa.eu.