

# EEAS Personal Data Processing Record

Ref. Article 31 of Regulation (EU) 2018/1725 - Legal obligation for maintaining records

1	Title of the processing activity	<b>EU High Level Advisers Programme in Moldova - Processing personal data in the framework of the selection, recruitment and administrative management of EU High Level Advisors</b>
2	Update of the record (last modification date)	02/12/2020
3	Register reference number	1921
4	Identity and contact details of the Data Controller Joint Controller (if applicable) Data Processor (if applicable)	<p>Controller European External Action Service (EEAS) Directorate/Division responsible for managing the personal data processing operation: EU Delegation to the Republic of Moldova EEAS EURCA.EAST.2 Division Eastern partnership bilateral Joint Controller European Commission DG. NEAR.DGA1 Processor : BS Europe (Business and Strategies in Europe SA) Boulevard de Woluwee 2 B1150 Brussels (Belgium) Data Protection Officer:  Emese Savoia-Keleti, SG.AFFGEN.DPO  DATA-PROTECTION@EEAS.EUROPA.EU</p>
5	Identity and contact details of the Data Protection Officer	<p>EEAS Data Protection Officer (DPO): Emese Savoia-Keleti. SG.AFFGEN.DPO Functional Mailbox of the DPO: DATA-PROTECTION@eeas.europa.eu</p>
6	Purpose of the processing activity	<p>Purpose(s) of the processing operation The EU High Level Advisers programme in Moldova aims to draw on the experience of expert senior officials in EU Member States to help Moldova meet its commitments related to agreements with the EU. The Commission and the EU Delegation in Moldova run the programme. A service provider helps to implement the programme in Moldova. The Commission and the Delegation select the candidate High Level Advisers (HLA) and after the endorsement by Moldovan authorities, the service provider recruits the HLA. In consultation with the Moldovan authorities, the service provider annually evaluates the HLAs on their performance. Following this, the Delegation decides whether to extend the HLAs' contracts. All this entails the processing of personal data by the Commission, the Delegation, the service provider and Moldovan authorities.</p> <p>Description of the processing:  Recruitment of the HLAs  The selection process of the EU High Level Advisers is divided into two steps: first, shortlisting of candidates, and, second, interviews in order to be in position to propose one successful candidate to the Partner Country.</p> <p>The current processing must guarantee full compliance with applicable data protection regulation in both stages.</p>

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The general procedure attributes the first stage of selection (shortlisting) to the European Commission (EC), Directorate General Neighbourhood and Enlargement Negotiations (DG NEAR), Unit NEAR C1 (Georgia, Moldova Neighbourhood Cross-Border Cooperation), and Unit NEAR C3 (Institution Building Unit – IBU), under the authority of the Head of Unit NEAR C1 acting as the Controller.

The second stage corresponds to the EU Delegation to the Republic of Moldova. There is an exceptional procedure where the EU Delegation to the Republic of Moldova carries out the selection procedure at both stages. Same rules shall apply to both procedures.

In order to recruit the experts for the EU High Level Advisers Programme in Moldova, DG NEAR C3 (IBU) launches a first call for applications for senior qualified professionals with significant experience in leading sectoral public policies and/or in managing public bodies at the highest level in a MS. If selected, the successful candidates will be remunerated through a contractual relationship that they will need to enter into with a service provider, which will be selected through a tender process issued by the EU Delegation to Moldova.

In the first instance, NEAR C1 requests NEAR C3 to ask IBU's Member State National Contact Points (MS NCPs) to circulate the job descriptions of the available positions to appropriate services and administration in their respective MS. The applications, consisting of the Curriculum Vitae (CV) of the expert, accompanied by a cover note indicating the position that is applied for and, possibly, some motivational considerations will be collected by the NCPs. The NCPs should check the applicants' credentials and verify that the Curricula Vitae (CVs) meets the minimum criteria as indicated in the job descriptions. Those applications cleared by the NCP should be sent to a functional mailbox established by IBU for the programme.

The CVs, cover notes, any supporting documents and an Excel summary list of candidates will be saved on the Drive of DG NEAR, with access limited to the programme manager, a secretary in charge of the filing and the Head of Unit NEAR C1. Following the expiration of the deadline for applications, the CVs will be evaluated by panels comprising of the programme manager and selected NEAR staff members depending on the expertise being evaluated. Selected staff of EEAS or other Commission services may be invited to assist in the panels. The shortlisted CVs, cover notes and supporting documents will then be sent to the EU Delegation to Moldova for interviews to be held with the selected candidates.

The CVs, cover notes, any supporting documents and an Excel summary list of candidates will be saved on the Drive of EU Delegation, with access limited to the programme manager, a secretary in charge of the filing and the Head and Deputy Head of Operations Section. The CVs of the successful candidates will be presented to the respective Moldovan administrations for final endorsement. The CVs, cover notes and any supporting documents of those candidates who were not successful at the interview stage or who were shortlisted but not interviewed will be retained for a period of two years and may be utilised again, in case vacancies arise in the HLA Programme. EU Delegation may launch a call for expression of interest for limited number of vacancies (e.g. only one or two) and to manage the reception of CVs, shortlisting and interviews. In any case, previous paragraphs will apply for the management of the personal data.

## Contract revision process

The contracts of the High Level Advisers will be revised annually on a compulsory basis through individual 360° evaluations carried out by the Service Provider where the views of the High Level Advisers, together with the views of the Contracting Authority and of the beneficiary will be consolidated for a fair judgement regarding the sector and the performance of the individual HLA. The evaluation, in accordance with Annex 2, Terms of Reference, Sections 2-3 on the specific work and project management of the Service Contract, as described in the High Level Advisors Manual, is implemented following the 360° methodology on the basis of the self-assessment of the HLAs, incorporating the peer assessments and subsequently consolidating the views of the Contracting Authority and the views of the beneficiary. The expert, therefore, has the right to comment the final version of the individual evaluation. The possible renewal of the contracts of the individual experts is subject to positive appraisal in the relevant evaluation.

## Communication activities related to HLA Programme

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		<p>Communication activities related to HLA programme</p> <p>Website:</p> <p>For ensuring adequate visibility of the programme and share the communication materials regarding the programme with a broader public, the Controller, through its contractor, sets up and manages a website associated to the programme - <a href="https://eu-advisers.md/advisers">https://eu-advisers.md/advisers</a> .</p> <p>Organisation of events related to HLA programme</p> <p>The Controller may organise communication activities (events/seminars/missions) related to the EU high level advisers programme to ensure transparency and adequate visibility of the programme.</p>
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Legal basis and lawfulness

Lawfulness for the processing of personal data under Article 5.1

5.1 (a) 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

5.1 (c) Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract

5.1 (d) The data subject has given consent to the processing of his or her personal data for one or more specific purposes

Legal references:

Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighborhood Instrument (OJ L 77, 15.3.2014, p. 27);

Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action (CIR) (OJ L 342, 29.12.2015, p. 7);

The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova (OJ L 260, 30.8.2014, p. 4–738) which aims to contribute to the strengthening of democracy and to political, economic and institutional stability in the Republic of Moldova;

The Commission Implementing Decision C(2014)9130 of 4 December 2014, amending the Commission Implementing Decision C (2012) 5518 of 3 August 2012 on the Annual Action Programme 2012 in favor of the Republic of Moldova to be financed under Article 19 08 01 03 of the general budget of the European Union, with regard to Annex 2 of the Annual Action Programme 2012 for the Republic of Moldova concerning the Framework Programme in support of the current and new agreements between the European Union and the Republic of Moldova which introduces, as one of the complementary actions for Component 1 (Reforming the Public Administration) and Component 2 (Consolidating the rule of law and respect for human rights and fundamental freedoms), the support provided by the EU High Level Policy Advice Mission (EUHLPAM);

For the service provider, the contracts signed by DG NEAR, through the EU Delegation to Moldova providing assistance to the implementation of the EU High Level Advisors' Mission to the Republic of Moldova;

Regulation (EU, EURATOM) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation(EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

Article 11 of the Treaty on European Union and Article 15 of the Treaty on the Functioning of the European Union for the processing operations on personal data linked to the organisation, management, follow-up and promotion of the events related to HLA programme necessary for the management and functioning of the Commission, as mandated by transparency provisions of the Treaties.

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8	<p>Categories of individuals whose data is processed</p> <p>- Data subjects</p>	<p>Data are processed from the following individuals or group of people: Commission staff in both HQ and in the EU Delegation in Moldova - Panel members (Pre-selection and Evaluation Committees) EEAS staff in both HQ and in the EU Delegation in Moldova - Panel members (Pre-selection and Evaluation Committees). Candidates for the position of EU High Level Advisers – Individuals from Member States Relevant dependent relatives of the candidates for the position of EU High Level Advisers for the purpose of compiling a Declaration of Interest Participants to events/seminars/missions organized by the EU high level advisers Visitors of the related website “<a href="https://eu-advisers.md/advisers">https://eu-advisers.md/advisers</a>”</p>
9	<p>Categories of data - Data processed</p>	<p>. Data processed in the framework of the selection, recruitment and administrative management</p> <p>Identity data (e.g. name, nationality, etc.)</p> <p>Contact details (e.g. address, email, etc.)</p> <p>Data (including personal data) in Curricula Vitae (CV; e.g. work experience, education and training, job related skills and competences, etc.)</p> <p>Personal data in Cover Letters</p> <p>Personal data in supporting documents submitted by candidates</p> <p>Personal data in Declarations of conflict of interest prior to recruitment</p> <p>Bank account references of the High Level Advisers (bank account holder, account number, bank name/branch/address, Swift Code), provided by the High Level Advisers at signature of their respective contracts for payment of their monthly salary invoices by the Service Provider.</p> <p>Personal data related to the annual individual 360° evaluation on a compulsory basis carried out by the Service Provider and consolidated with the views of the Contracting Authority and of the beneficiary in order to renew the HLA contracts. (Description of the evaluation is under Section 2.1 - Contract Revision process.)</p> <p>Personal data related to fit to work certificate, medical certificates, medical insurance collected by the Service Provider determined by the Service Contract pursuant to Art. 13. Paragraph 1 of the General Conditions to the contract.</p> <p>Contact details and relevant personal data of panel members</p> <p>The data indicated above are collected from the following individuals:</p> <p>the candidates</p> <p>the successful candidates and their relevant dependant relatives (as per the Declaration of Interest)</p> <p>members of the evaluation panels</p>

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## II. Data, processed in the framework of events related to HLA programme

function/title; first name; last name; name of organisation; city; country; email address; telephone number; nationality; passport or identity card number, its date of issue and expiry date.

In the context of a specific event, financial information (such as a payment card number or bank account) may be collected for the payment of fees of the event or for possible reimbursements.

In the context of a specific event, sensitive information (which could include meal preferences, dietary requirements or specific access requirements) could be collected.

Audio-visual material processed only in case the contractor provides the audio-visual documentation related to the project to the Delegation

Photos / pictures, presentations, live web streaming and/or audio and video recording of the EU High Level Advisers Programme in Moldova

## III. Internet Protocol address (IP address) or device ID of the device used to access the website. Special categories of data processed:

For HLAs: The processing might entail submission by the HLAs (who have accepted the position following official notification from EU Delegation) of a certificate that they are fit to implement their obligations under the contract. This way the contracting authority ensures the health, safety and welfare of the data subjects and ensures the protection of EU funds by confirming that the HLAs can implement their obligations. On the other hand, the Service provider complies with its obligation of proper implementation of the contract.

Personal data related to medical insurance, in case collected by the Service Provider, are determined by the Service Contract pursuant to Art. 13. Paragraph 1 of the General Conditions to the contract. This processing falls under Record - DPR-EC-01706 - DG NEAR External action procurement and grant award procedures, contract execution and grant implementation under direct management, indirect management by partner (ENI)/beneficiary (IPA) countries and shared management with Member States (cross-border cooperation) For participants to events related to HLA programme: the controllers may process the following special categories of data:

Data concerning meal preferences or dietary requirements;

Data concerning access requirements

As a rule, no special categories of personal data are collected for the purposes of organizing events related to HLA programme. However, in the context of a specific event, the controllers may have to process sensitive information, which could include meal preferences, dietary requirements or specific access requirements.

The processing of such sensitive information will be carried out on the basis of the data subject's consent. Processing of other special categories of data 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.

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10	Recipients of data – Access to data	<p>Assigned EC staff from DG NEAR (both HQ and EU Delegation to Moldova) or other DGs, including the pre-selection panel members</p> <p>Staff of OLAF, IDOC, IAS (Internal Audit Services), the Legal Service of the Commission as well as staff of other DGs (SG, DG BUDG and clearinghouse) upon request necessary in the context of official investigations or for audit purposes.</p> <p>Pursuant to Article 3(13) of Regulation (EU) 2018/1725, 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 further 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.</p> <p>Assigned personnel in EU Delegation (not NEAR staff) to the Republic of Moldova, including interview Panel members;</p> <p>Assigned EEAS HQ staff, including the pre-selection panel members</p> <p>The Main Beneficiary of the project (State Chancellery of the Republic of Moldova) and specific counterpart of each EU High Level Adviser (e.g. Ministry of Finance, Ministry of Internal Affairs, Parliament of the Republic of Moldova, etc.)</p> <p>IBU's National Contact Points (NCP) in each Member State;</p> <p>Staff of the Service Provider of the relevant technical assistance project providing support to the deployment of the High Level Advisers' mission;</p> <p>Relevant dependent relatives whose data may be processed related to candidates' declaration of conflict of interest will receive information on their data being potentially processed, as candidates will be reminded to inform their concerned relatives;</p> <p>For the website – external contractor's staff responsible to set up the websites and engaged in creation, maintenance, management, and archiving of the website who have access on a need-to-know basis to the log files of the website.</p> <p>General public – for the personal data published on the dedicated website: <a href="https://eu-advisers.md/">https://eu-advisers.md/</a>.</p> <p>The Main Beneficiary of the project (State Chancellery of the Republic of Moldova) and specific counterpart of each EU High Level Adviser (e.g. Ministry of Finance, Ministry of Internal Affairs, Parliament of the Republic of Moldova, etc.). At the selection stage the Beneficiary will receive only the CV and cover letter of the proposed candidate to the position by the Evaluation Committee. During the compulsory annual 360° evaluation, the Beneficiary along with the Contracting Authority will examine and provide views to consolidate the report in order to possibly renew the HLA contracts;</p> <p>Staff of the Service Provider of the relevant technical assistance project providing support to the deployment of the High Level Advisers' mission;</p> <p>IBU's National Contact Points (NCP) in each Member State</p>
11	Transfer to Third Countries or International Organizations (IOs) and suitable safeguards (if applicable)	<p>Data related to the proposed candidate for each position is transferred to the relevant authorities of the Republic of Moldova for their endorsement.</p> <p>The main beneficiary of the project (State Chancellery of the Republic of Moldova) and specific counterpart of each EU High Level Adviser (e.g. Ministry of Finance, Ministry of Internal Affairs, Ministry of Environment, Parliament of the Republic of Moldova, etc.) will receive only the CV and cover letter of the proposed candidate to the position by the Evaluation Committee.</p> <p>Data will be transferred in accordance with Chapter V of Regulation (EU) 2018/1725.</p>
12	Time limit for keeping the data - Retention period	<p>Data of applicants recruited:</p> <p>To be transferred to the archives of DG NEAR for a period of ten years following the closure of the contract entered into</p>

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between the EU Delegation to Moldova and the service provider contracted to run the EU High Level Advisors in Moldova Programme, to allow for historical, statistical and reference purposes, in line with the common Commission-level retention rules for the European Commission files

The Processor has a contractual obligation to retain the data for a period of 7 years following the closure of the contract between the EU Delegation to Moldova and the Service Provider.

Data of non-recruited applicants:

To be retained for a period of 2 years following the recruitment procedure as the period corresponds to the length of time during which a complaint may be brought before the European Ombudsman.

Data of applicants not successful at the interview stage or who were shortlisted but not interviewed:

Their files will be retained for two years and may be used again in cases where vacancies arise.

IP address and device ID: Immediate deletion at connection closing. Personal data of the HLA published on the website (Photos, videos, short biography of the HLA):

The Processor will retain the data for the entire duration of the High Level Advisers' mission, until closure of the contract between the EU Delegation to Moldova and the Service Provider (as the operation and update/maintenance of the project's website is a contractual / ToR) requirement), and as long as each individual HLA is part of the EU HLA Mission.

Personal data processed for the purpose of organisation and management of the event related to HLA programme (this includes the information given during the registration, before, during or after the event):

5 years after the last action in relation to the event

Sensitive personal data processed for the purpose of organisation and management of the event related to HLA programme: to dietary requirements, accessibility:

1 month after the end of the meeting/event



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		<p>Personal data collected to issue badges in order for the data subjects to gain access to Controllers buildings:</p> <p>6 months after the termination of the link between the data subject and the Controllers</p>
13	Data Storage	<p>Paper</p> <p>Electronic</p> <p>Digital (Office documents such as Word, Excel, PowerPoint, Adobe PDF, Audiovisual/multimedia assets, Image files such as .JPEG, PNG)</p> <p>Servers</p> <p>External contractor premises</p>
14	General description of security measures	<p>All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored either on the servers of the European Commission or of its contractor. All processing operations are carried out pursuant to the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission. In order to ensure the security of personal data, the Commission has put in place a number of technical and organisational measures. 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.</p> <p>The Commission's contractors are bound by a specific contractual clause for any processing operations of your data on behalf of the Commission, and by the confidentiality obligations deriving from the transposition of the General Data Protection Regulation in the EU Member States ('GDPR' Regulation (EU) 2016/679)</p>

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15	Rights of individuals	<p>Data subjects have the following rights:</p> <p>Right of access</p> <p>Right to rectification</p> <p>Right to erasure (right to be forgotten)</p> <p>Right to restriction of processing</p> <p>Notification obligation regarding rectification or erasure of personal data or restriction of processing</p> <p>Right to data portability</p> <p>Right to object</p> <p>Rights related to automated individual decision making, including profiling</p> <p>If the data subject has any queries concerning the processing of his/her personal data, s/he may address them to the data controller at the following functional mailbox: Delegation-Moldova @eeas.europa.eu .</p>
16	Information to data subjects	<p>A Privacy Statement linked to this Record contains information provided to the Data Subjects. The aforementioned distinct Privacy Statement is to be sent to candidates during the selection and recruitment process, at the latest when the candidates are invited to the interview. It is foreseen to be available on the internet.</p> <p>Candidates will be reminded to provide information to their concerned relatives with regard to the Declaration of Conflict of Interest. All mandatory information as per Article 15 of Regulation (EU) 2018/1725 is included in the Privacy Statement for the EU High Level Advisers Programme in Moldova. The Privacy Statement is published on the Commission internal website: <a href="https://eu-advisers.md/blog/call-for-expression-of-interest-assistants-to-eu-high-level-advisers.html">https://eu-advisers.md/blog/call-for-expression-of-interest-assistants-to-eu-high-level-advisers.html</a></p>