

EEAS PRIVACY STATEMENT

FOR THE PURPOSE OF THE PROCESSING OPERATION

"EU High Level Advisers Programme in Moldova"

Processing personal data in the framework of the selection, recruitment and administrative management of EU High Level Advisers

1. INTRODUCTION

THE PROTECTION OF YOUR PRIVACY, INCLUDING YOUR PERSONAL DATA, IS OF GREAT IMPORTANCE TO THE EUROPEAN EXTERNAL ACTION SERVICE (EEAS), THEREBY REFLECTING THE PROVISIONS OF THE CHARTER ON FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION, AND IN PARTICULAR ART. 8 THEREOF. THE PRESENT PRIVACY STATEMENT DESCRIBES THE MEASURES TAKEN TO PROTECT YOUR PERSONAL DATA WITH REGARD TO THE ACTION INVOLVING THE PRESENT DATA PROCESSING OPERATION AND WHAT RIGHTS YOU HAVE AS A DATA SUBJECT. YOUR PERSONAL DATA ARE PROCESSED IN ACCORDANCE WITH REGULATION (EC) 45/2001 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, AS IMPLEMENTED IN THE EEAS BY THE DECISION OF THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY OF 8 DECEMBER 2011. ALL DATA OF A PERSONAL NATURE - NAMELY DATA WHICH CAN IDENTIFY YOU DIRECTLY OR INDIRECTLY - WHICH YOU PROVIDE TO THE EEAS WILL BE HANDLED WITH THE NECESSARY CARE.

2. PURPOSE OF THE PROCESSING OPERATION

Purpose of the processing

The purpose of personal data processing is to facilitate the EU High Level Advisers Programme in Moldova, which is to draw on the experience of long standing senior officials with expertise in leading sectoral public policies and/or in managing public bodies in a Member State (MS); with a view to helping the beneficiary country to meet the commitments it has made in connection with European Union related agreements.

Description of the processing

The selection process of the EU High Level Advisers is divided into two steps, shortlisting of candidates and interviews in order to be in position to propose one successful candidate to the Partner Country. The current processing must guarantee full compliance with applicable data protection regulation in both stages. The general procedure attributes the first stage of selection (shortlisting) to the European Commission DG NEAR C3 (Institution Building Unit) and 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 establish the EU High Level Advisers Programme in Moldova DG NEAR C3 (Institution Building Unit) is launching 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. Twenty five posts are currently available and additional ones may be added later; moreover, additional calls may be necessary in cases where the first call or subsequent calls are not successful. The successful candidates will be remunerated if they are selected 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 IBU's MS NCPs will be asked 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 Y 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 and may be utilised again, in cases where vacancies arise.

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 expert has the right to comment the final version of the evaluation. The renewal of the contracts of the individual experts is subject to positive appraisal in the relevant evaluation.

3. DATA PROCESSED

I. Data processed in the framework of the selection, recruitment and administrative management

- Identity data
- Contact details
- Data including personal data in Curricula Vitae (CV)
- Personal data in Cover Letters
- Personal data in supporting documents submitted by candidates
- Personal data in Declarations of conflict of interest prior to recruitment
- 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*

*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. HLAs have the right to comment the findings of the individual evaluations. The renewal of the contracts of the individual experts is subject to positive appraisal in the relevant evaluation.

- Personal data related medical certificates with the indication of 'fit for work' in case collected by the Service Provider determined by the Service Contract pursuant to Art. 13. Paragraph 1 of the General Conditions to the contract.
- Contact details and relevant personal data of panel members

II. 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

4. CONTROLLER OF THE PROCESSING OPERATION

The Controller determining the purpose and the means of the processing operation is the European External Action Service. The Division responsible for managing the personal data processing operation is EU Delegation to the Republic of Moldova and EEAS EURCA.EAST.2 'Eastern partnership bilateral' Division under the supervision of the Head of Delegation and Head of Division or the Deputy acting on his/her behalf, respectively. Joint controller is the European Commission DG. NEAR.

5. RECIPIENTS OF THE DATA

The recipients of your data may include:

- Assigned personnel in EU Delegation to the Republic of Moldova, including interview panel members
- 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.) 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 renew the HLA contracts.
- Assigned EEAS HQ Geographical Desk Moldova, EURCA. EAST.2
- Assigned EC DG NEAR C – Geographical Desk Moldova, Institution Building Unit, TAIEX Twinning (IBU)
- IBU's National Contact Points (NCP) in each Member State
- Service Provider of the relevant technical assistance project providing support to the deployment of the High Level Advisers' mission

Relevant dependant 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.

The information in question will not be communicated to third parties, except where necessary for the purposes outlined above.

6. PROVISION, ACCESS AND RECTIFICATION OF THE DATA

You have the right to access your personal data and the right to correct any inaccurate or incomplete personal data, as well as to request the removal of unlawfully processed personal data, which will be implemented within 10 working days after your specific request has been deemed legitimate. If you have any queries concerning the processing of your personal data, you may address them to the data controller at the following functional mailbox: Delegation-Moldova@eeas.europa.eu.

7. LEGAL BASIS FOR THE PROCESSING OPERATION

The legal basis of the processing operation at stake:

- Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument
- Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument
- Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11.3.2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action

Further legal reference:

Good administrative practices in the framework of the Treaty of Lisbon and the Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service (2010/427/EU) available on http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

Lawfulness of the processing:

- The processing of the personal data is lawful and necessary under Articles 5(a), 5(c) and 5(d) of Reg (EC) N° 45/2001.
- No processing of personal data falling under Article 10 of Regulation (EC) N° 45/2001 will be carried out by the Data Controller (EU Delegation), neither by the Processor (Service Provider). Personal data solely a 'fit for work' certificate in the context of Personal data solely for the purpose of medical certificates with the indication of 'fit for work' may be collected in exceptional and specific cases by the Service Provider determined by the Service Contract pursuant to Art. 13. Paragraph 1 of the General Conditions to the contract. The data, however, will not include medical diagnosis.
- The data will be processed in compliance with Article 4.1 of Regulation (EC) N° 45/2001, in particular Article 4.1(b).
- Shortlisted CVs will be transferred from DG. NEAR to the EU Delegation to Moldova in line with Articles 7.1 and 7.2 of Regulation (EC) 45/2001.
- Information related to the candidate who has been endorsed by the Evaluation Committee, by the Beneficiary and who has accepted the position following official notification from EU Delegation side, is sent to the Service Provider in charge of the logistic and contractual support to the programme. The Service Provider has been selected as outcome of a tendering procedure. The Service provider is B&S Europe (Business and Strategies in Europe SA). Data will be transferred in accordance with Article 8 of Regulation (EC) 45/2001. With regard to the data evaluated by and consolidated with the Beneficiary, data is transferred in accordance with Article 9 of Regulation (EC) 45/2001.

The processing of personal data falls under Article 27.2 (b), it is "Prior-Checked" by the European Data Protection Supervisor.

8. TIME LIMIT FOR STORING DATA

Your data will be retained as follows:

I.

- In case of *shortlisted applicants*: The personal data of all shortlisted candidates will be electronically retained in the EU Delegation for a period of 7 years following the conclusion of the contract entered into 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 case of *non-recruited applicants*: The CVs, cover notes and any supporting documents of those candidates not shortlisted will 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 not applicable for the aforementioned purpose is to be deleted at the end of the evaluation process by DG NEAR.
- 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 and may be used again, in cases where vacancies arise.
- The compulsory annual 360° evaluations will be attached to the relevant reports produced by the Service Provider in line with the contractual requirements. These reports will be available for 7 years following the conclusion of the contract entered into between the EU Delegation to Moldova and the Service Provider contracted to run the EU High Level Advisors in Moldova Programme.
- In case of judiciary procedures the personal data is kept until the case is pending and for 5 years after case closure and after 2 years in case of complaint before the Ombudsman.

II.

- Photos / pictures, presentations, live web streaming and/or audio and video recording of the EU High Level Advisers Programme in Moldova are also kept for 7 years.
- When appropriate, personal data contained in *supporting documents* should be deleted if possible, where these data are not necessary for *further purposes*, e.g. control, inspection and audit.

III. Further conservation of files

A./ Further conservation by EU Delegation: Files will be sent to Central Archives. B./ Further conservation of data by DG NEAR: Following the 7 year period of retention in case of shortlisted candidates the personal data will be encrypted by DG NEAR or mandated to be encrypted by DG NEAR. The decoding of these files will require the agreement of the Controller and each request will be logged. In cases where the Controller agrees the personal data will be decoded for use by the requesting person or organisation. Prior to the data being re-encrypted a copy of the relevant part of the log will be added to the decoded file. The data will be transferred to the archives of DG NEAR for a period of ten years following their delivery to the Document Management Office. The date of delivery to the archives is dependent on the date of closure (including the period of grace to conclude all outstanding transactions) of the EU High Level Advisers Programme in Moldova as regulated by the EC's Financial Regulations. Following this period the files containing the data will be deleted.

9. DPO CONTACT

In case you have questions related to the protection of your personal data, you can also contact the EEAS Data Protection Office EEAS DATA PROTECTION <data-protection@eeas.europa.eu>.

10. RECOURSE

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