

Privacy statement regarding staff selection and recruitment procedures of the European Institute of Innovation and Technology

This privacy statement provides information relating to the processing of personal data of EIT staff carried out by the European Institute of Innovation and Technology within the framework of selection and recruitment procedures.

The processing of personal data of the candidates follows the provisions of 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/EC¹ (hereinafter “the Data Protection Regulation of the European institutions”).

What is personal data and what is a personal data processing operation?

Personal data shall mean any information relating to an identified or identifiable natural person (“data subject”). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, and identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Who are the data subjects?

The data subjects are the applicants/candidates for EIT staff recruitment procedures for temporary agent, contract agent and seconded national expert positions.

Who is the controller of the data collection?

The data controller is the Head of the Services and Finance Unit of the EIT.

What is the purpose of the personal data collection?

Personal data is collected for the purposes of managing the applications at the various stages of the selection process, selecting and recruiting staff to the EIT.

What types of personal data are processed?

¹ OJ L 295, 21.11.2018, p. 39-98

The following types of personal data are processed for the above mentioned purposes in accordance with the Data Protection Regulation of the European institutions:

- a. Personal data provided by the candidate allowing identification of the candidate (surname, first name, date and place of birth, gender, nationality);
- b. Information provided by the candidate to verify whether or not he/she meets the eligibility criteria fixed in a call for applications (such as citizenship, language certificates, diploma/training: year awarded, title, name of the awarding body, employment records etc);
- c. Motivation/cover letter provided by the candidate;
- d. Financial information (for instance, bank account details);
- e. Contact information provided by the candidate to allow the practical organisation of the selection process (street, postcode, town, country, telephone number, fax, e-mail address);
- f. Data providing evidence of the candidate not falling under exclusion circumstances for the signature of an employment contract relating to suspected offences, offences, criminal convictions or security measures at the recruitment stage at the end of the selection procedure;
- g. Medical aptitude certificate following the pre-recruitment medical examination;
- h. Information concerning special needs (disability).

The EIT does not require the applicants to submit any special category of data listed in Article 10 of the Data Protection Regulation of the European institutions as part of the selection and recruitment procedure. If participants decide to share such information for example by means of attaching a photo to their CVs this is done spontaneously and thereby with unambiguous and explicit consent of the data subject.

Names of the Selection Board members are published on the EIT website at the following page: <https://eit.europa.eu/work-with-us/careers/vacancies>.

Interviews and written tests may take place either presentially or remotely via an online platform².

If the written test and the interview take place online, the candidate will be provided with appropriate guidelines on how the online interview and written test is to be conducted. In this case, the processing of personal data of candidates also involves the following:

- Candidates are requested to show the room environment and a clean desk for the purposes of ensuring the absence of materials not allowed or, else, certify the absence of other persons providing assistance to the candidate.
- Candidates may be asked also to share their screen during the execution of the written test in order to ensure that only permitted sources of information are consulted online.
- No recording of images and videos are made by the EIT.
- Only in the event of an incident during the online written test or interview, additional information which might include personal data (such as a screenshot of the candidate's screen) may be collected to detect the incident and to allow that a decision is made regarding the incident (the incident may be described and summarised in the form of an internal report).

² Interviews and written test may be conducted using the MS Teams online platform, or other similar IT tools.

- At the end of the written test, candidates will be requested to show that they delete the file containing the original written test sent to the candidate by the EIT, as well as the response to the written test drafted by the candidate.

Who has access to the personal data?

Within the EIT:

The personal data of the candidates is processed by the responsible EIT staff: HR staff, members of Selection Boards, responsible Head(s) of Unit, Head of the Director's Office and the Director of the EIT.

Within the Commission and other EU institutions/agencies/bodies:

Selection Boards may include members coming from the European Commission or other EU institutions/agencies/bodies.

Authorised staff of the following EU institutions may have access to relevant personal data for audit control or investigation purposes: Court of Auditors, Internal Audit Service of the European Commission, European Anti-Fraud Office (OLAF).

For the purpose of providing the recruited EIT staff with the financial entitlements, part of the personal data provided by the data subjects is disclosed to the Payment Master's Office (internal service of the European Commission responsible for the financial entitlements of staff of the Commission and certain other EU institutions/agencies/bodies).

For the purpose of handling review procedures and litigation, access to the personal data may be granted to the European Ombudsman, the European Data Protection Supervisor, the General Court and the European Court of Justice upon request and to the extent necessary for handling the review procedure and litigation.

Third parties subject to the GDPR³ and third parties not subject to the GDPR:

Exceptionally and if necessary, information concerning the recruitment procedure may be disclosed to external lawyers (advocates) subject to the GDPR, for specific and limited purposes only. In this case a written contract (service contract) is signed between the EIT and the external lawyer in order to ensure that that Article 29 of the Data Protection Regulation of the EU institutions is respected by the data processor. These written contracts follow the model of the Commission and include a specific article on data protection.

The same applies to external IT contractors with whom the EIT has a framework contract in order to provide IT services for the EIT.

What are the rights of the data subject?

In accordance with Articles 15,17, 18, 19 of the Data Protection Regulation of European Institutions the data subjects have the **right for information**, the **right of access**, the **right of rectification** in case their personal data is not complete or not accurate and the **right to erasure** ("right to be forgotten").

³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation; OJ L 119, 4.5.2016, p. 1–88)

The rights **for information and of access** also include a right of the data subject to have access to the evaluation results regarding all the stages of the selection procedure (e.g. pre-selection, interview, written tests). One should also keep in mind that in any case neither comparative data concerning other applicants (comparative results), nor to the individual opinions of the members of the Selection Committee should be disclosed to the data subject.

The EIT points out that the **right of the rectification** during the selection process has the limits. The data subject after the closing date of submitting the applications cannot request the change or rectification of any data related to the eligibility and selection criteria as published in the vacancy notice. This restriction is necessary to guarantee the fairness of the selection procedure. At the same time no limits apply to the right of rectification of the identification data, therefore they can be changed at any time of the selection process.

Candidates have the right to obtain the **erasure** of their personal data in accordance with Article 19 of the Data Protection Regulation of European Institutions and in particular in the cases when the personal data are no longer necessary in relation to the purposes for which they were collected, if the data subject withdraws its consent, or in case of unlawful processing.

Data subjects have also the **right to restriction** of processing of personal data in accordance with Article 20 of the Regulation, and the **right to object** on grounds listed in Article 23 of the Data Protection Regulation of European Institutions.

The rights can be only exercised by sending a request in a written form to the HR@eit.europa.eu. The requests shall be handled within 15 working days; this period may be extended by further two months where necessary, taking into account the complexity and number of requests. In case the data subject contests the accuracy of the data, upon request, the data is restricted immediately for the period of verification of the accuracy of the data, not exceeding on month.

Restrictions to the rights of data subjects may be applied by the EIT, in accordance with Article 25 of the Data Protection Regulation of the European institutions and the EIT internal rules on restrictions⁴.

For how long the data is retained?

The information related to recruitment is kept in the personal file. It is opened when the recruited candidate takes up his/her duties and kept until the employment relation is terminated. The personal file contains all the documents related to the staff member's career. The personal file is kept for 10 years as of the termination of employment or as of the last pension payment. Criminal records are verified by the EIT upon recruitment of the staff member and shall be handed back within 6 months.

In relation to non-recruited applications who are included in the reserve list, the personal data is retained for the period of validity of the reserve list.

In relation to non-recruited applicants who are not included in the reserve list, the personal data shall be retained for a period of 2 years following the end of the recruitment process for the possible review of the decision taken in the selection procedure.

⁴ Currently under adoption. The final version will be published at the following link: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>

Spontaneous applications shall be eliminated at latest after 2 years following the day of receipt.

Additional information collected in an incident during the written test or online interviews which might include personal data are kept until the candidate is informed about the decision taken by the EIT following the incident. In case the candidate is excluded from the selection procedure, the personal data may be retained until the expiry of the candidate's right to request a remedy against that decision (i.e. maximum 2 years for the submission of a complaint to the European Ombudsman). If necessary, the information may be kept until such a process (e.g. a complaint, court case) is closed.

The documents necessary for financial/budgetary purposes (e.g. documents relating to the reimbursement claim of travel expenses) and audit purposes are kept for a period of 5 years as from the date of the discharge of the corresponding EIT budget.

Who should be contacted in case of queries or complaints?

If you have any queries concerning the processing of your personal data, you may address them to the EIT department responsible for managing the staff recruitment procedure at the following email: HR@eit.europa.eu.

You have the right of recourse at any time to the EIT's Data Protection Officer (EIT-DPO@eit.europa.eu) and to the European Data Protection Supervisor (EDPS@edps.europa.eu) or contact the site: <http://www.edps.europa.eu/EDPSWEB/>

What is the legal basis of the processing personal data?

General legal basis:

- Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community

Specific EIT legal basis:

- Decision of the Governing Board of the EIT of 17 February 2010 on general implementing provisions on the procedures governing the engagement and use of Temporary Agents at the EIT.
- Decision of the Governing Board of the EIT of 17 February 2010 on general implementing provisions on the procedures governing the engagement and use of Contract staff at the EIT.
- Decision 36/2018 of the EIT Interim Director of 27 July 2018 on guidelines for the external recruitment of Temporary and Contract Agents⁵.
- Decision of the Governing Board of the European Institute of Innovation and Technology (EIT) 20/2015 of 3 June 2015 laying down the rules on the secondment to the European Institute of

⁵ 08399.EIT.2018.VF

Innovation and Technology of National Experts and National Experts in professional training in the case of SNEs.⁶

Grounds for lawfulness

In line with Article 5(a) of Regulation No. (EU) 2018/1725, 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 EIT. The selection procedures are necessary for the management and functioning of the EIT.

Furthermore, the processing is also lawful based on Article 5(d) of Regulation No. (EU) 2018/1725. Participation in the recruitment procedure is voluntary.

⁶ 00242.EIT.2015.I.GB35