

## Privacy statement regarding interim staff services for the European Institute of Innovation and Technology

This privacy statement provides information relating to the processing of personal data of interim staff carried out by the European Institute of Innovation and Technology (EIT) within the framework of selection and recruitment of interim staff by an external service provider.

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/EC<sup>1</sup> (hereinafter “Regulation”).

### **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 for interim positions at the EIT. At the EIT interim staff members are engaged for a certain period and employed by an external service provider<sup>2</sup>.

### **Who is the controller of the data processing operation?**

The data controller performing the personal data processing operation of the EIT is the Head of Services and Finance Unit responsible for the selection of interim staff members and ensuring their recruitment by the external service provider.

The data processor is the external service provider supporting the EIT in the selection and recruitment of interim staff.

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<sup>1</sup> OJ L 295, 21.11.2018, p. 39-98

<sup>2</sup> Currently, the Starjobs Hungary Ltd.

### **What is the purpose of the personal data processing operation?**

Personal data is collected for the purposes of managing the applications at the various stages of the selection process, selecting and recruitment of interim staff members with the support of an external service provider.

### **What types of personal data are processed?**

The following types of personal data are processed:

1. By the EIT and by the service provider (i.e. the data processor) as well:
  - a. Personal data provided by the candidate allowing identification of him/her (surname, first name, date and place of birth, gender, nationality);
  - b. Motivation/cover letter provided by the candidate;
  - c. Contact information provided by the candidate to allow the practical organisation of the interviews (street, postcode, town, country, telephone number, fax, e-mail address);
  - d. In case of recruitment, the selected candidate is requested to sign a Declaration on confidentiality and absence of conflict of interests
  - e. Information concerning special needs (disability), if applicable.

The EIT and the external service provider do not require the applicants to submit any special category of data listed in Article 10 of the Regulation 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 with unambiguous and explicit consent of the data subject.

2. By the external service provider exclusively:
  - a. 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 (e.g. the criminal record);
  - b. Financial information (for instance, bank account details);
  - c. Employment record.

For more information, please refer to the privacy statement of the service provider:  
<https://starjobs.hu/adatvedelmi-nyilatkozat>

## **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 Board, staff of the Procurement Section, responsible Head of Unit and/or Head of Section, Head of the Director's Office, the Director and the Legal Officer (only in case of a complaint).

Access will be given to the Internal Auditor of the EIT by request and if necessary for the performance of the duties of the Internal Auditor: depending on the nature and the scope of the specific audit, the Internal Auditor will be given access to personal data which is relevant for and serves the purpose of the specific audit exercise.

### **Within the Commission and 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 handling review procedures and litigation, access to the personal data may be granted to the Legal Service of the Commission, 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 GDPR<sup>3</sup> and third parties not subject to the GDPR:**

The personal data of the applicants are processed by the personnel of the external service provider in charge of the selection and recruitment of interim staff members for the EIT. The EIT has a written framework service contract with the external service provider, which contains several provisions on the protection of personal data.

The subcontractors of the external service provider can be found in the privacy statement of the service provider: <https://starjobs.hu/adatvedelmi-nyilatkozat>

Exceptionally and if necessary, information concerning the interim staff selection 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.

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<sup>3</sup> 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)

### How long are personal data kept?

- 1) Data of successful applicants: the personal data of the recruited interim staff members is stored in the personnel file throughout the secondment to the EIT. The personnel files will be retained for a period of 5 years after the budget of the EIT for the costs of the of interim staff service provision is discharged in accordance with the EU Financial Regulation<sup>4</sup> and the EIT Financial Regulation.<sup>5</sup>
- 2) Data of unsuccessful applicants: the personal data of the unsuccessful applicants will be kept for 2 years from the official starting date of the interim position for the purposes of potential review procedures concerning the selection and review procedure, and for budgetary and audit purposes. In case the length of the review procedure exceeds the period of 2 years, the relevant data are kept for the duration of the ongoing review procedure.
- 3) Spontaneous applications shall be eliminated at latest after 2 years following the day of receipt.

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.

### What are the rights of the data subjects? Who should be contacted in case of queries or complaints?

In accordance with Articles 15,17, 18, 19 of the Regulation, 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”).

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, if any). 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.<sup>6</sup>

The exercise of such rights may not result in unequal treatment of the applicants and may not be contrary or harmful to the aim of the selection procedure and recruitment by the external service provider.

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<sup>4</sup> 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, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012

<sup>5</sup> Decision 21/2019 of the Governing Board on the financial regulation of the European Institute of Innovation and Technology

<sup>6</sup> in case applicants request to have access to their evaluation results, they are entitled to have access only to their own evaluation results regarding all stages of the selection procedure. Access to any comparative results concerning other applicants as well as to the individual opinions of the members of the selection panel are of course not allowed, as they concern personal data of other persons whose rights and freedoms should also be protected under the Regulation.

The EIT points out that the **right of the rectification** during the selection process has limits. Regarding the personal data relating to the formal requirements, the eligibility and selection criteria, the right of rectification may only be exercised until the deadline for the submission of the application, or in the absence of such a deadline, the transmission of the data of the pre-selected applicants by the external service provider to the EIT.

Candidates have the right to obtain the **erasure** of their personal data in accordance with Article 19 of the Regulation 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](mailto: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 one month.

'Data subjects' have the **right of recourse** at any time to the Data Protection Officer of the EIT ([EIT-DPO@eit.europa.eu](mailto:EIT-DPO@eit.europa.eu)) and to the European Data Protection Supervisor ([EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu)) for matters relating to the processing of their personal data.

Restrictions to the rights of the 'data subject' may be applied by the EIT in accordance with Article 25 of the Regulation and the EIT internal rules on restrictions.<sup>7</sup>

### **What is the legal basis of the processing?**

General legal basis:

- Regulation (EC) No 294/2008 of 11 March 2008<sup>8</sup> establishing the European Institute of Innovation and Technology, as amended by Regulation of the European Parliament and of the Council No 1292/2013<sup>9</sup> of 11 December 2013 (the "EIT Regulation")

Specific EIT legal basis:

- Framework Contract for Services concluded between the EIT and the external service provider: EIT/2019/EITPROC/01

### **Grounds for lawfulness:**

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<sup>7</sup> Currently under adoption. The final version will be published at the following link: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>

<sup>8</sup> OJ L97 of 09.04.2008, p. 1-12

<sup>9</sup> OJ L 347 of 20.12.2013, p. 174-184

In line with Article 5(a) of the Data Protection Regulation of the European institutions, the processing is necessary for the performance of a task carried out in the public interest on the basis of the EU Treaties or other instruments adopted on the basis thereof and for the legitimate exercise of official authority vested in the EIT.