



EUROPEAN INNOVATION COUNCIL AND SMEs
EXECUTIVE AGENCY (EISMEA)

RECORD OF PERSONAL DATA PROCESSING ACTIVITY

Based on Article 31 of the Regulation (EU) 2018/1725¹ on the protection of natural persons with regards to the processing of personal data by the Union Institutions, bodies, offices and agencies and on the free movement of such data, each responsible EISMEA data controller has to maintain a record of the processing activities under his/her responsibility.

Record No: R-2019-02-4

Initial approval by Data Controller: *see date of Ares signature*

Previous Notification (if applicable): *DPO 4-2015* **Update (s)** (if applicable): *March 2023*

NAME OF THE PROCESSING ACTIVITY

Selection and Recruitment Procedures in EISMEA

IDENTIFICATION OF THE DATA CONTROLLER

European Innovation Council and SMEs Agency (EISMEA), Head of Unit C.02 People, Workplace and Operational Coordination Support – HR sector C.02.1. Head of Sector and the team

GROUND FOR THIS RECORD (select relevant ground)

- Record of a new type of processing activity of personal data (before its implementation)
- Record of a processing activity of personal data that is already in place (ex-post)
- Change/Amendment/ Update of an already existing previous record (or previous notification to DPO)

DESCRIPTION OF THE PROCESSING ACTIVITY

The purposes of this processing operation are:

- to manage selection and recruitment procedures in EISMEA for different categories of statutory staff (temporary and contract staff) and non-statutory staff (seconded national experts); to manage applications at the various stages of these procedures; to manage and check the use of reserve lists when applicable and to constitute personal files of recruited staff.

- to cover internal, external, inter-Agency and joint (with other Executive Agencies) selection and recruitment procedures that are published via EISMEA intranet, public websites or other platforms such as the European Commission's corporate platforms (e.g. EU CV Online for on-line applications, under the responsibility of DG Human Resources, EU Survey under the responsibility of DG Informatics).

The personal data of candidates are collected either via the aforementioned platforms (external publications) or via the functional mailbox of EISMEA-HR-RECRUITMENT@ec.europa.eu (inter-Agency).

¹ [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 (OJ L 295/39 of 21.11.2018).

1. INFORMATION ON THE PROCESSING ACTIVITY

of selection and recruitment procedures in EISMEA

This processing activity is performed in accordance with **Regulation (EU) No 2018/1725**² on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

1.1. The Data Controller is:

The Head of Unit C.02 People, Workplace and Operational Coordination Support at the European Innovation Council and SMEs Executive Agency (EISMEA), B-1049 Brussels and can be contacted at: EISMEA-HR-RECRUITMENT@ec.europa.eu.

In the case of joint recruitment procedures with other Executive Agencies, the **joint controllers** are specifically identified in the relevant data protection notice of the individual selection procedure; in general terms they can be potentially all Executive Agencies (EACEA, ERCEA, CINEA, HaDEA, REA), depending on the specificities of the given joint selection procedure.

1.2. The following entity(ies) is/are acting as Processor(s) on behalf of the controller or joint controllers on a need-to-know basis:

- authorised staff of DG HR of the European Commission - Medical service (for selected candidates);
- authorised staff of the Commission's Pay Master's Office (PMO) (for selected candidates);
- external contractors in charge of the written/competency tests (e.g. TestReach).

The data controller may use video conferencing tools to hold online interview and written/competency tests.

1.3. The legal basis for the processing based on **Article 5(1)** of Regulation (EU) No 2018/1725:

- (a) 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 Union Institution or body³;
- (a2) the processing is necessary for the **management and functioning** of the Union Institutions or bodies (Recital (22) of Regulation (EU) 2018/1725);
- (b) the processing is necessary for **compliance with a legal obligation** to which the controller is subject⁴;
- (c) the processing is necessary for the **performance of a contract** to which the data

² [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 (OJ L 295/39 of 21.11.2018).

³ *Establishment Act*: Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture Executive Agency and repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU (OJ L 50/9 of 15.2.2021)

EISMEA Act of Delegation: [Commission Decision C\(2021\)949](#) delegating powers to the **European Innovation Council and SMEs Executive Agency** with a view to the performance of tasks linked to the implementation of Union programmes in the field of Innovative Europe, Single Market and Interregional Innovation Investments comprising, in particular, implementation of appropriations entered in the general budget of the Union.

⁴ Staff Regulations of Officials of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and its subsequent amendments, in particular Title II for temporary agents and Title IV for contract agents,.

-Articles 12-15 of the Conditions of Employment of Other Servants of the European Communities and the Staff Regulations (for temporary agents).
-Articles 82-84 of the Conditions of Employment of Other Servants of the European Communities and the Staff Regulations (for contract agents).

For EISMEA:

- Steering Committee Decision (2015) of 23 March 2015 on the engagement and use of temporary agents.

- Steering Committee Decision (2017) of 14 December 2017 on the application by analogy of Commission Decision C(2017)6760 final of 16 October 2017 on the engagement of contract staff. Steering Committee Decision (2018) of 19 July 2018 on the application by analogy of the Commission Decision C(2008) 6866 laying down the rules on the secondment to the Commission of national experts and national experts in professional training.

subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

- (d) the data subject has given **consent** to the processing of his or her personal data for one or more specific purposes as detailed below;
- (e) the processing is necessary in order to protect the **vital interests** of the data subject, its family members or of other natural persons.

1.4 The purposes of this processing is to manage the different selection and recruitment procedures in EISMEA for different categories of statutory staff (temporary and contract staff) and non-statutory staff (seconded national experts); to manage applications at the various stages of these selections/recruitment procedures; to manage and check the use of reserve lists when applicable and to constitute personal files of recruited staff. This processing covers internal, external, inter-agency and joint (with other Executive Agencies) selection and recruitment procedures.

1.5. The categories of data subjects concerned by this processing are:

All candidates involved in selection and recruitment procedures, this includes the public and staff already working in EISMEA, the Commission or other Agencies.

1.6. The following personal data are collected:

For internal selection and recruitment procedures applicable only for staff already working in the Agency:

- first name, last name, title, CV, contractual status and grade, function, professional/personal e-mail address, phone number, professional experience.
- Sysper profiles may be consulted in order to check information relevant to assess the application against the vacancy notice, such as probationary period, confirmation of grade etc.
- any additional information is disregarded.

The above-mentioned personal data are **mandatory** for the purpose(s) outline above.

For all other selection and recruitment procedures:

- Personal data allowing to identify the candidate, i.e. surname, first name, date of birth, gender;
- Information to allow the practical organisation of preselection and other tests, if any, i.e. address information: street, postcode, town, country, telephone, fax, e-mail;
- Information to verify whether the candidate fulfils the eligibility and selection criteria laid down in the vacancy notice, i.e. nationality, languages, education, employment record, military/civil service record, other relevant for the job skills such as knowledge of computer software;
- Information about the length of the legal notice period required, objection against inquiry with present employer, periods spent abroad, references, motivation, declaration of honour as well as where the vacancy notice was found;
- If applicable, results of the pre-selection or written/oral tests (i.e. temporary staff, contract staff and seconded national experts);
- Information regarding criminal records;
- Bank account details (Financial Identification form) – for candidates invited for an interview and pre-employment medical visit having the right to be reimbursed;
- Medical data in the context of the pre-employment medical visit of candidates who received a job offer and accepted it (not applicable to seconded national experts).
- Information about disability might be requested in order to facilitate the access of the candidate to the EISMEA premises and to adapt the space for the interviews and tests.
- In addition, for candidates who already work(ed) for EU Institutions we may also consult

the Sysper profile in order to check information relevant to assess the application against the vacancy notice, such as probationary period, confirmation of grade etc.

- Profile in EPSO;
- Any additional information is disregarded unless requested as specified in the Call for Expression of Interest (vacancy notice).

The above-mentioned personal data are **mandatory** for the purpose(s) outline above.

1.7. The recipients to whom the personal data will or might be disclosed are:

- authorised staff in charge of recruitment and administration of the EISMEA Human Resources Sector and other HR sectors from other Agencies in the case of joint procedures;
- Members of the Selection Committees for temporary staff, contract staff and seconded national experts positions;
- authorised external experts (e.g. EIC Board members acting as observers during interviews), if applicable;
- authorised staff of the European Commission, if applicable;
- authorised staff of external contractors, if applicable;
- authorised staff of the competent EISMEA Finance Unit or other Agencies' finance teams in case of joint procedures (for the purpose of reimbursement of travel costs related to interviews);
- authorised staff of DG HR of the European Commission - Medical service (for selected candidates);
- authorised staff of DG HR of the European Commission involved in any exchange activities, initiatives or programme (i.e. Junior Professional Programme⁵);
- authorised staff of the Commission Pay Master's Office (PMO) (for selected candidates);
- Heads of Units/Heads of Departments/Heads of Sector/Team Leaders;
- Authority authorised to conclude contracts of employment (Director of EISMEA; in the case of joint procedures, the Director of the relevant Executive Agency(ies)).

Also, if appropriate, access will be given to:

- the European Commission's Internal Audit Service;
- the European Ombudsman;
- the European Court of Justice;
- the Anti-Fraud Office of the European Commission (OLAF);
- the European Court of Auditors;
- the Data Protection Officer of EISMEA and of other Agencies in case of joint procedures;
- the members of the Legal Service of EISMEA and of other Agencies in case of joint procedures;
- the European Data Protection Supervisor.

1.8. Personal data will not be transferred to third countries or international organisations unless otherwise provided for the use of third party conferencing / testing tools.

1.9. The processing of this personal data will not include automated decision-making (such as profiling).

1.10. The following technical and organisational security measures are in place to safeguard the processing of this personal data:

Electronic communication and files are secured for internal communication purposes.

⁵ Commission decision of 13.12.2022 on establishing the Junior Professionals Programme (C(2022) 9068 final).

Personal data are processed on a need-to-know basis by authorised staff only, with limited access rights to files stored on secured Servers subject to the **European Commission's security Decision [2017/46](#)** of 10 January 2017. Paper files are stored in locked cupboards.

1.11. The personal data concerned **will be kept for a maximum period** according to the following time limits of storing data:

- In the case of recruitment of a candidate, personal data will be retained in the personal file in line with the Common Retention List of the Commission, for 8 years after the extinction of all rights of the person concerned and of any dependants, and for at least 120 years after the date of birth of the person concerned.
- If the candidate is invited for an interview during the course of a given selection and recruitment procedure the personal data will be kept at least until the first HR audit and in line with the Common Retention List of the Commission for a maximum of 5 years following the conclusion of the recruitment procedure.
- If the candidate is not invited for an interview the personal data will be kept with limited access on a need-to-know basis for a period of maximum 5 years in line with the Common Retention List of the Commission.
- Internal applications will be kept for a maximum period of 2 years from the deadline to apply for the position.
- All personal data will be removed at the end of these periods.

1.12. Data Subjects are informed on the processing of their personal data via a **data protection notice on their rights** :

- to access their personal data held by a controller or joint controllers;
- to request their personal data held by a controller or joint controllers to be corrected;
- to obtain in some situations erasure of their personal data held by a controller or joint controllers, e.g. when data are held unlawfully (right to be forgotten);
- to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;
- **of recourse** at any time to the **EISMEA Data Protection Officer** at EISMEA-DPO@ec.europa.eu or the DPOs of the joint controllers as identified in the relevant data protection notice of the individual selection procedure and to the **European Data Protection Supervisor** at <https://edps.europa.eu>.

Requests from a data subject to exercise a right will be dealt with without undue delay and within **one month**.

Your right to information, access, rectification, erasure, restriction or objection to processing, communication of a personal data breach or confidentiality of electronic communications may be restricted only under certain specific conditions as set out in the **applicable [Restriction Decision](#)** in accordance with Article 25 of Regulation (EU) 2018/1725.

Any queries concerning the processing of personal data, have to be addressed to the Data Controller indicated above in 1.1. at EISMEA-HR-RECRUITMENT@ec.europa.eu or the joint controllers.
