

PRIVACY STATEMENT RELATED TO THE PROCESSING OF PERSONAL DATA WHEN SHARING RESERVE LIST

▶ Introduction

1. The EU Agencies and Joint Undertakings (“participating Agencies”) that signed the “Memorandum of Understanding (“MoU”) for the sharing of reserve lists of suitable candidates among EU Agencies and Joint Undertakings” (“the Agencies” or “the Joint Controllers”) are committed to protect and respect the personal data processed in this context. The Joint Controllers collect and process personal data pursuant to Regulation (EU) 2018/1725¹ (“the EUDP Regulation”).
2. Under the EUDP Regulation, data subjects are informed when their personal data –also known as personal information– is processed (collected, used, stored) by any of the Joint Controllers.
3. Data subjects also have the right be informed about the details and purpose of that processing.
4. In accordance with Articles 15 and 16 of the EUDP Regulation, this privacy statement provides information to the data subjects relating to the processing of their personal data in the context of the ‘sharing of reserve lists’ between EU Agencies and Joint Undertakings, parties to the MoU, acting jointly as Joint Controllers.
5. The Joint Controllers have signed this MoU which includes specific data protection provisions, practical arrangements regarding the Joint Controllershship, and a dedicated Joint Controllershship Agreement.

▶ Purpose of the processing of personal data

6. This Privacy statement concerns candidates applying to a position (temporary or contract agent) published by any of the EU Agencies or Joint Undertakings, parties to the above-mentioned MoU on the sharing reserve lists, for which the vacancy notice includes the relevant provisions.
7. The Agencies parties to the MoU on the sharing of reserve lists of suitable candidates among EU Agencies and Joint Undertakings seek to:
 - Facilitate recruitment by optimising active reserve lists established by the Agencies,

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 (OJ L 295, 21.11.2018, p. 39).

- Promote efficiency by reducing the overall recruitment timelines, selection procedures and associated costs,
 - Allow access to a broader pool of suitable candidates from diverse geographic locations for the Agencies,
 - Foster cooperation among the Agencies, maximizing synergies and avoiding duplication of effort for common transversal job profiles,
 - Increase the attractiveness of Agencies as employers of choice, by potentially increasing the number of candidates applying for posts published by the Agencies.
8. For its purpose, the MoU specifies the role and mutual responsibilities of each Agency. According to its provisions, the “Leading Agency” is the EU Agency or Joint Undertaking that launched the vacancy notice, organised the selection procedure and is ready to share its established reserve list in its entirety. The “Receiving Agency” is the EU Agency or Joint Undertaking interested in using the shared reserve list to meet its recruitment needs, and is referred to in the Leading Agency’s vacancy notice as “Participating Agency”.
9. The scope of this privacy statement covers the processing of personal data collected by the Leading Agency within the context of its selection procedure for candidates included in the reserved list of suitable candidates, which, upon explicit and specific consent of those candidates, may be shared with a Receiving Agency.
10. The processing of such data includes the:
- sharing of the candidates on the reserve list’s personal data with one or more Receiving Agencies interested in using the shared reserve list to meet their recruitment needs; and
 - related processing operations undertaken by the Joint Controllers for the purpose of managing the personal data of the candidates on the shared reserve list.
11. This Privacy Statement covers the following processing activities:
- Receiving consent from the candidates on the reserve list of suitable candidates: after a receiving Agency expresses interest in using a reserve list, the Leading Agency will seek explicit consent of candidates on the list i.e. that they agree to their personal information being shared with the specific Receiving Agency.
 - Sharing of data: sharing the data of candidates on the reserve list who have given their consent with the Receiving Agency (the Leading agency can share the reserve list with several Receiving Agencies at the same time, provided the candidates provide explicit and specific consent).
 - Updating the reserve list: keeping the reserve list updated based on the information for candidates accepting a job offer and being recruited either by the Leading or a Receiving Agency.
12. Personal data will not be used for any purposes other than the performance of the activities specified above. Otherwise data subjects will be informed accordingly.

▶ **Legal basis of the processing of personal data and/or contractual or other obligation imposing it**

13. The legal basis for this processing operation is 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.
14. The processing is lawful based on Article 5(d) of the EUDP Regulation. The Leading Agency establishes the reserve list of candidates whose personal data will be shared with the receiving Agency after receiving consent of candidates on the reserve list. A Joint Controllership Agreement has been signed by the participating Agencies in line with Article 28 of the EUDP Regulation.

▶ **EIOPA's Internal Data Controller of the personal data processing**

15. According to Article 3(8) of the EUDP Regulation, the Controller determines the purposes and means of the processing operations. According to Article 28 of the EUDP Regulation, where two or more Controllers jointly determine the purposes and means of processing, they act as Joint Controllers. The participating Agencies and Joint Undertakings that signed the MoU on the sharing of reserve lists among the EU agencies and Joint Undertakings therefore qualify as Joint Controllers.
16. The list of the Agencies signatories of the MoU are listed in the Leading Agency's vacancy notice, to which the data subject has initially applied.
17. The relevant Joint Controllership Agreement signed by the participating agencies shall be made available to the data subject upon request.
18. EIOPA's internal data controller responsible for the processing of personal data is the Head of Human Resources Unit.
19. Address and email address of EIOPA's internal data controller:

Westhafen Tower, Westhafenplatz 1
60327 Frankfurt am Main
Germany
DataController@eiopa.europa.eu

▶ **Contact detail of EIOPA's Data Protection Officer (DPO)**

20. Westhafen Tower, Westhafenplatz 1, 60327 Frankfurt am Main, Germany
dpo@eiopa.europa.eu

► Types of personal data collected

21. The following categories of data subjects' personal data are collected by the Leading Agency within its selection procedure and may be shared with the receiving Agency, upon explicit and specific consent of candidates on the reserve list:
- Contact and identification details (Name, First Name, Address, Email address, Telephone number);
 - Application form containing all information provided by the candidate regarding eligibility and selection criteria applicable to the selection procedure; and/or
 - Curriculum vitae, if applicable.

► Recipients/processors of the personal data collected

22. Any EU agency or Joint Undertaking that signed the MoU, when acting as a Leading Agency.
23. Any EU Agency or Joint Undertaking when acting as a Receiving Agency, signatory to the MoU and thereby listed in the relevant vacancy notice, upon (i) request of the Leading Agency to share their personal data to be shared with the specific Receiving Agency; and (ii) explicit and specific consent of the suitable candidates placed on the Leading Agency's reserve list .
24. By default, designated authorised staff members from EU Agencies and Joint Undertakings, acting either as the Leading or Receiving Agency, may access the personal data of a data subject, in line with the principles of necessity and data minimisation.
25. In addition, data may be disclosed to:
- Upon request and for the purposes of legal proceedings to designated authorised staff members of the EU Courts (e.g. the General Court and the Court of Justice of the European Union) or national Courts, as well as the lawyers of the parties;
 - The competent Appointing Authority of the Leading or Receiving Agency, in case of request or a complaint lodged under Article 90 of the Staff Regulations;
 - OLAF, in case of an investigation conducted in application of Regulation (EU, Euratom) No 883/2013;
 - The Internal Audit Service of the Commission within the scope of the tasks entrusted to it by Article 118 of the Financial Regulation and Article 49 of Regulation (EC) No 1653/2004;
 - The Court of Auditors within the tasks entrusted to it by Article 287 of the Treaty on the Functioning of the European Union and Article 20(5) of Regulation (EC) No 58/2003;
 - The European Ombudsman within the scope of the tasks entrusted to it by Article 228 of the Treaty on the Functioning of the European Union;
 - The European Data Protection supervisor in accordance with Article 58 of the EUDP Regulation.

26. Information concerning the selection procedure may be disclosed to external lawyers subject to the GDPR and/or EUDPR, for specific and limited purposes only. In this case, a written contract (service contract) is signed between the Leading or Receiving Agency and the external lawyer in order to ensure that that Article 29 of the EUDP Regulation is respected by the external data processor. These written contracts include specific provisions on data protection.

▶ Retention period

27. The Leading Agency stores the shared reserve list and process the personal data contained therein for a period of at least two (2) years. The reserve list established by EIOPA in year N remain valid until 31 December of year $N+2$. This is without prejudice of the possibility for the appointing authority to extend the validity of the reserve lists.

28. The Leading Agency must be informed of candidates having accepted a job offer and been recruited by the Receiving Agency; upon which the Leading Agency will promptly remove them from the reserve list. Should a candidate refuse an offer from a Receiving Agency, their name would remain on the reserve list.

29. The Receiving Agency shall process the personal data from the shared reserve list until the completion of its selection procedure including the communication to the Leading Agency on candidates accepting a job offer/recruited to ensure their prompt removal from the reserve list by the Leading Agency.

▶ Transfer of personal data to a third country or international organisations

30. No personal data will be transferred to a third country or international organisation.

▶ Automated decision-making

31. The jointly processed personal data shall not be used for any automated decision-making, including profiling.

▶ What are the rights of the data subject?

32. Data subjects have the right to access their personal data, receive a copy of them in a structured and machine-readable format or have them directly transmitted to another controller, as well as request their rectification or update in case they are not accurate. They also have the right to request the erasure of their personal data, as well as object to or obtain the restriction of their processing.

33. Where processing is based solely on the consent, data subjects have the right to withdraw their consent to the processing of their personal data at any time. This can be done by sending an email to the Leading Agency that established the reserve list of suitable candidates.
34. Restrictions of certain rights of the data subject may apply, in accordance with Article 25 of the EUDP Regulation. This is in order to safeguard the rights of other data subjects and/or to respect the principles of equal treatment among applicants and/or the secrecy of deliberations of the Selection Committee. In that context, these rights may be restricted by the relevant Joint Controller on a case-by-case basis in line with the relevant Internal Rules, where strictly necessary and appropriate for the purpose of the processing. In order to lift this restriction, the relevant Joint Controller will carry out a case-by-case assessment of each individual request and provide justification to its decision. The restrictions will continue applying as long as the reasons justifying them remain applicable and may be lifted if these reasons would no longer apply.
35. For the protection of the data subjects' privacy and security, every reasonable step shall be taken to ensure that their identity is verified before granting access, or rectification, or deletion.
36. Should data subjects wish to exercise any of the rights provided above, please contact Recruitment@eiopa.europa.eu or EIOPA's DPO (dpo@eiopa.europa.eu).

► **Who to contact in case of questions or complaints regarding data protection?**

37. Should data subjects have comments or questions, any concerns or a complaint regarding the collection and use of their personal data, or if they would like to exercise their rights as data subject, they can contact any of the Joint Controllers, i.e. either of the Leading or the Receiving Agency.
38. Alternatively, data subjects can have recourse to the **European Data Protection Supervisor** (www.edps.europa.eu) at any time, **as provided in Article 63 of the EUDP Regulation.**