

PRIVACY STATEMENT RELATED TO ESAS' JOINT RECRUITMENT PROCEDURES

▶ Introduction

1. The European Insurance and Occupational Pension authority (EIOPA) is committed to protecting individuals personal data in accordance with Regulation (EU) 2018/1725¹ (further referred as “the Regulation”).
2. In line with Articles 15 and 16 of the Regulation, this privacy statement provides information to the data subjects relating to the processing of their personal data carried out by EIOPA.

▶ Purpose of the processing of personal data

3. Personal data are collected and processed by EIOPA in order to jointly recruit with the European Banking Authority (“EBA”) and the European Securities and Markets Authority (“ESMA”) staff members in the context of the joint mandates attributed to the European Supervisory Authorities (“ESA(s)”).
4. Such recruitment procedures have the following characteristics:
 - (i) EIOPA’s HR Unit receives candidate applications through a dedicated e-recruitment tool maintained by an external contractor (“Gestmax”) acting as data processor. This tool assists the HR Unit in the administration of the applications received.
 - (ii) Selection panels are composed of members from all three ESAs. The personal data of the candidates will be thus disclosed to panel members from EIOPA, EBA and ESMA.
 - (iii) EIOPA conducts remote written tests for the candidates meeting the minimum selection criteria as per EIOPA’s Candidates Manual. During the written examination candidates are supervised remotely by an external proctor (“TestReach”), acting as data processor.
 - (iv) The appointment of the successful candidates will be done by the Appointing Authority (AIPN) of EIOPA after consultation with the AIPN of EBA and ESMA.
 - (v) The reserve list of the suitable candidates will be shared with designated staff members of all three ESAs.
 - (vi) The personal file of the recruited candidates will be retained by EIOPA as specified below.

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, 21.11.2018, p. 39–98.

5. Data subjects' data will not be used for any purposes other than the performance of the activities specified above. Otherwise they will be informed accordingly.

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

6. The legal basis for this processing operation are the following:
 - EIOPA Regulation (Regulation (EU) 1094/2010);
 - Articles 12-15 of the Conditions of Employment of Other Servants of the EU;
 - Decision of the Management Board EIOPA-MB-15/072 of 5 January 2016 laying down general Implementing Provisions on the Engagement and Use of Temporary Staff under Article 2(f) of the Conditions of Employment of Others Servants of the European Union.
7. In addition, in accordance with Article 5(1)(a) of the Regulation, processing is lawful as it is necessary for the performance of tasks carried out in the public interest.

▶ **Controller of the personal data processing**

8. Pursuant to Article 28 of the Regulation, the ESAs qualify as joint controllers for (at least) some aspects of the recruitment procedure.

The relevant Joint Controllership Agreement signed among the ESAs shall be available to the data subjects upon request.

9. EIOPA's data controller is the Executive Director.

The address and email address of EIOPA's controller are the following:

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

The address of the other Joint Controllers is the following:

For EBA: Tour Europlaza, 20 avenue André Prothin, 92400 Courbevoie, France

For ESMA: 201-203 Rue de Bercy, 75012 Paris, France.

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

10. Westhafenplatz 1, 60327 Frankfurt am Main, Germany
dpo@eiopa.europa.eu

► Types of personal data collected

11. The personal data being processed are the data provided in the data subject's application (CV, motivation letter, supportive documents) and the reports created by the Selection Committee. This includes the following data:

At the application screening stage:

Personal details: First name, last name, date of birth, gender, nationality, address, phone number, email;

Education & Training details: including for each course, start & end dates, titles, qualifications, diploma (level in the national and/or international classification), main study subjects, name of the organisation providing the education or the training;

Work Experience: including for each work experience, start & end dates, position/title held, main activities and responsibilities, name and address of the employer, type of business;

Languages: including for each language, the level of understanding, listening, reading comprehension, spoken proficiency, written proficiency and details about the courses attended;

Personal skills and competences: technical, organisational, social, artistic;

Additional information: any other information that may be relevant (eg. personal data of contact persons, references).

During the invigilated remote written tests, the following data are captured (only during the examination session):

Video and audio footage of candidates captured through their web camera, remote access to candidates desktop screen. EIOPA does not store video and audio footage, but may request the service provider to provide them, if necessary.

For successful candidates, in addition to the above, the following personal data can be processed:

- Proof of nationality (valid ID card or passport), diplomas;
- Data coming from the pre-recruitment medical check-up;
- Extract of criminal record, birth certificate.

≥ Whilst no sensitive data are requested as part of the recruitment process, sensitive data may be voluntarily provided by candidates and therefore could be processed.

► Recipients/processors of the personal data collected

12. The personal data may be disclosed to the following recipients, as appropriate:

- a. Staff of EIOPA's HR Unit;
- b. Selection Committee members (i.e. staff members of EIOPA, EBA and ESMA);

- c. External contractors: i) 'Gestmax' providing an e-recruitment tool assisting the HR Unit in the administration of the applications received; ii) 'Testreach' providing remote invigilation services for the written tests;
- d. Designated EIOPA staff members: apart from the mentioned in a. and b., EIOPA's Legal Unit staff, on a need-to-know basis, in case of complaints;
- e. EIOPA's, EBA's and ESMA's A.I.P.N./Authority Empowered to Conclude Contracts of Employment (i.e. the Executive Directors of the authorities);
- f. For the candidates included in the reserve list: upon consent, their CV might be disclosed to other EU institutions or bodies.
- g. Potentially: Commission's Internal Audit Service, the European Ombudsman, OLAF, the Court of Justice of the EU and the European Data Protection Supervisor.

▶ Retention period

- 13. For **successful candidates**: Data are stored in data subjects' personal file for a period of ten (10) years after the termination of employment. Criminal records will be kept only for a period of two years after the contract signature. In case of a legal challenge, the above date shall be extended until two (2) years after completion of all relevant proceedings.
- 14. For **candidates who have been added on the reserve-list**: Data are stored in the recruitment file for a period of five years after the closing of the recruitment campaign. In case of a legal challenge, the above dates shall be extended until two (2) years after completion of all relevant proceedings.
- 15. For **unsuccessful candidates who have not been retained for the pre-screening interviews or the reserve list**: Data will be kept until all appeal channels have been exhausted, incl. the time limits for appeal before the General Court of the Court of Justice of the European Union.
- 16. In practice, **reports of the Selection Committee** are stored in a dedicated recruitment folder on EIOPA's main drive with limited access rights for a period of five (5) years after the closing of the recruitment campaign. In case of a legal challenge, the above dates shall be extended until two years after completion of all relevant proceedings.
- 17. **Invigilation reports** received from TestReach will be retained in the relevant selection file for a period of five (5) years after the closing of the selection procedure. The videos of the remote proctored exams received from TestReach, will be retained until appeal channels have been exhausted, including the time limits for appeal before the General Court.
- 18. Files will not be kept beyond the periods specified above unless the personal data are rendered anonymous.

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

19. No personal data will be transferred to a third country or international organisation. External service providers are located in the European Union.

▶ Automated decision-making

20. No automated decision-making including profiling is performed in the context of this processing operation.

▶ What are the rights of the data subject?

21. 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. Data subjects also have the right to request the erasure of their personal data, as well as object to or obtain the restriction of their processing.

22. Where processing is based solely on the consent, data subjects have the right to withdraw the consent to the processing of their personal data at any time.

23. Restrictions of certain rights of the data subject may apply, in accordance with Article 25 of the Regulation.

24. 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.

25. Should data subjects wish to exercise any of the rights provided above, please contact Human resources Unit (recruitment@eiopa.europa.eu) or EIOPA's DPO (dpo@eiopa.europa.eu).

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

26. Any questions or complaints concerning the processing of data subjects' personal data can be addressed to EIOPA's Data Controller (fausto.parente@eiopa.europa.eu) or EIOPA's DPO (dpo@eiopa.europa.eu).

27. 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 Regulation.**