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| **REGISTER NUMBER: [NN]/[YYYY]** |
| **NOTIFICATION FOR PRIOR CHECKING** |
| Date of submission: 10 August 2015  Case number:  Institution: Agency for the Cooperation of Energy Regulators  Legal basis: Article 25 of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (1) |
| *(1) OJ L 8, 12.01.2001* |

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| **INFORMATION TO BE GIVEN**(2) |
| *(2) Please attach all necessary backup documents* |

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| **1/ Name and address of the controller**  Agency for the Cooperation of Energy Regulators (the “Agency”)  Trg republike 3  1000 – Ljubljana  Slovenia |
| **2/ Organisational parts of the institution or body entrusted with the processing of personal data**  The department responsible for internally managing the processing operation is: Administration Department, and within that department more specifically Human Resources section.  The contact person for this processing operation is:  Mr Jakub Walczak, Human Resources Officer  Agency for the Cooperation of Energy Regulators (ACER)  Trg republike 3, SI-1000 Ljubljana, Slovenia  E-mail: [jakub.walczak@acer.europa.eu](mailto:jakub.walczak@acer.europa.eu)  Phone: +386 (0) 820 53 395 |
| **3/ Name of the processing**  Disclosure of Selection Committee members’ names to candidates in selection procedures. |
| **4/ Purpose or purposes of the processing**  The purpose of disclosing names of the Selection Committee members to all candidates in selection procedures is to ensure the transparency, integrity and objectivity of selection procedures.  Further, the European Ombudsman published Good Practice Guidelines[[1]](#footnote-1) regarding disclosure of the names of selection board members on 16 May 2014 following an own-initiative inquiry into practices at EU Agencies. Pursuant to Guideline 2(8), “[i]t is good administrative practice to inform all candidates of the composition of the selection board by letter or by other appropriate means, such as information sheets, e-mails, e-recruitment messages. The information regarding the composition of the selection board should be provided to candidates in good time, for instance in the letter acknowledging receipt of their application, and at the latest together with the information regarding the outcome of their application.”  The processing operation concerned by this notification gives practical implementation to the above recommendation. |
| **5/ Description of the category or categories of data subjects**  The data subjects shall be the following:  Staff members (temporary and contract agents) who participate in selection procedures as Selection Committee members. |
| **6/ Description of the data or categories of data**   * Name and Surname of the staff member; * Staff member’s role in the Selection Committee (i.e. Chairperson, Staff Committee representative, member, secretariat). |
| **7/ Information to be given to data subjects**  The Agency will provide data subjects with information on:   1. the identity of the controller; 2. the purposes of the processing operation for which the data are intended; 3. the recipients or categories of recipients of the data; 4. whether the disclosure of the data is obligatory or voluntary, as well as the possible consequences in case of disagreement of disclosure; 5. any further information such as:    1. the legal basis of the processing operation for which the data are intended,    2. the time-limits for storing the data (i.e. if the information is published on the web page with the Vacancy Notice, when and for how long it is published),    3. the right to have recourse at any time to the European Data Protection Supervisor,   insofar as such further information is necessary, having regard to the specific circumstances in which the data are collected, to guarantee fair processing in respect of the data subject.  Data subjects are provided with a Privacy Statement (Annex I) which makes reference to the data subject’s rights as defined by Regulation (EC) No 45/2001. This is given to data subjects at the time of signing a Declaration of Selection Committee members (draft in Annex II). In this declaration, data subjects give their unambiguous prior consent to this processing operation. |
| **8/ Procedures to grant rights of data subjects**  Data subjects are provided with a Privacy Statement (Annex I) at the time of signing a Declaration of Selection Committee members (draft in Annex II).  The Privacy Statement outlines the data subject’s rights as defined by Regulation (EC) No 45/2001 and recalls data subject that they can exercise them contacting either (i) the Agency’s controller; (ii) the Agency’s data protection officer; or (iii) the European Data Protection Supervisor, using the details provided therein.  In the Declaration of Selection Committee members, data subjects give their unambiguous prior consent to this processing operation. |
| **9/ Automated / Manual processing operation**  The processing is manual: the data concerned by this processing operation will be sent via email to candidates. |
| **10/ Storage media of data**  The emails sent to candidates will be stored on the Agency’s server, which backs up emails. Further, invitation/rejection letters containing this data will be stored in hard copy and on the S: drive, accessible only by HR staff members. |
| **11/ Legal basis and lawfulness of the processing operation**  The legal basis for this processing is Article 5(d) of Regulation (EC) 45/2001.  Data subjects are requested to provide their prior unambiguous consent to the disclosure of their names to all candidates in the selection procedure. They are informed that should they not wish to have their name disclosed, they cannot participate as a Selection Committee member. |
| **12/ The recipients or categories of recipient to whom the data might be disclosed**  The data will be disclosed to all candidates in a selection procedure. Further, HR staff members will have access to the data. |
| **13/ Retention policy of (categories of) personal data**  The emails sent to candidates will be stored on the computer/server of the staff member who sent the emails. Staff members’ emails are stored on the computer/server until either (i) they are manually deleted by the staff member, or (ii) up until 6 months after the staff member leaves the Agency.  In respect of the invitation/rejection letters, these are stored for [time] in hard copy and on the S:drive, accessible only by HR staff members. |
| **13 a/ time limits for blocking and erasure of the different categories of data  (on justified legitimate request from the data subject)**  Not Applicable |
| **14/ Historical, statistical or scientific purposes**  Not Applicable |
| **15/ Proposed transfers of data to third countries or international organisations**  Not Applicable |
| **16/ The processing operation presents specific risk which justifies prior checking**  Not Applicable |
| **17/ Comments**  Not Applicable |
| **18/ Measures to ensure security of processing *(3)* *these measures are described in Article 22 of Regulation 45/2001.***    The emails sent to candidates will only be accessible to authorized persons, namely, the sender and, exceptionally, the IT team. The invitation/rejection letters stored in hard copy and on the S:drive are accessible only by HR staff members (safe with a code / electronic access rights). |

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| PLACE AND DATE: Ljubljana, Slovenia; 10 August 2015  DATA PROTECTION OFFICER: Kate Bousfield-Paris  INSTITUTION OR BODY: Agency for the Cooperation of Energy Regulators |

1. Available at the following link: http://www.ombudsman.europa.eu/cases/correspondence.faces/en/54521/html.bookmark [↑](#footnote-ref-1)