



Letter from the European Ombudsman to the European Investment Bank (EIB) on its practice of requesting sensitive personal data from job applicants in the context of recruitment procedures

Correspondence - 08/07/2021

Case OI/5/2021/PB - **Opened on** 21/06/2021 - **Institution concerned** European Investment Bank |

European Investment Bank

Strasbourg, 08/07/2021

OII reference number: OI/5/2021/PB

Subject: The European Investment Bank's practice of requesting sensitive personal information from job applicants in the context of recruitment procedures

Dear President,

As you know from our earlier correspondence on this issue, I have been made aware of concerns about information requested from job applicants during EIB recruitment procedures. I have decided to open an own initiative inquiry into the matter [1] .

The EIB has confirmed that, in the context of recruitment procedures, it requests certain personal information (such as on household composition and dependants) from job applicants. The reason for requesting such information is, in the first place, that the EIB wants to be in a position to rapidly give prospective employees clear and comprehensive information on the overall level of pay and benefits they could expect to receive. The EIB's representatives informed us that applicants are not obliged to provide this information, but are merely encouraged to do so voluntarily.

The gathering and processing of sensitive personal information by any organisation and for any purpose must be proportionate and based on legitimate grounds, particularly in the context of recruitment procedures. This is not only a question of fundamental rights and good administration, but also important for ensuring trust in public bodies, both of job applicants and the wider public.



An example of a legitimate ground for collecting personal information would be an organisation's policy on positive discrimination. In that case, however, the ground itself is related to rights. In relation to the practices here concerned, the ground appears to be related to efficiency.

While the EIB may contend that it invites applicants to provide personal information on a voluntary basis, this may be complicated in practice. If a candidate is asked to provide information in the context of a recruitment procedure, they may consider that failing to do so could negatively prejudice their prospects.

Finally, even where it can be demonstrated that there is a legitimate and proportionate need to request personal information, there are questions as to the effectiveness of "firewalls" around such information between different operating parts of an organisation.

These reflections result from the exchanges that have taken place between our institutions to date on the matter. I would be grateful if the EIB could provide me with detailed information on any developments in its collection of personal information in its recruitment procedures, and specifically if it has found, or is currently establishing, methods for minimising or eliminating the collection of such information prior to the communication of job offers.

I would be grateful to receive the reply by 15 October 2021 [2] .

Thank you for your cooperation on this matter.

Yours sincerely,

Emily O'Reilly European Ombudsman

[1] This request for reply follows communication between the EIB and the Ombudsman's services regarding a previous version, which it replaces.

[2] The issue does not appear to have been the object of general enquiry so far. Once the Ombudsman has received the EIB's reply, the Ombudsman will consider the usefulness of consulting specialised bodies for further information, including the European Data Protection Supervisor, the EU's Fundamental Rights Agency and the European Institute for Gender Equality.