

## Decision in case 911/2016/OV on an alleged failure of EPSO to reply and to delete an EPSO account of a candidate

Decision

**Case 911/2016/OV - Opened on 18/07/2016 - Decision on 21/10/2016 - Institutions concerned** European Personnel Selection Office ( No maladministration found ) | European Personnel Selection Office ( Settled by the institution ) |

The complainant wrote several times to EPSO asking it to delete his EPSO account. EPSO replied that it could not delete his account since two selection procedures he participated in were still open. After the complainant contacted EPSO two more times without receiving a reply, he turned to the Ombudsman alleging that EPSO had failed to reply and claiming that EPSO should delete his account.

Following the Ombudsman's inquiry, EPSO replied to the complainant. The Ombudsman thus concluded that EPSO had settled the complainant's allegation. In its reply, EPSO also informed the complainant that the data retention period for the two selection procedures he participated in had not yet expired and that, therefore, it could not yet delete his EPSO account. The Ombudsman found no maladministration in this respect and thus closed the case.

### The background to the complaint

1. The complainant created an EPSO account in 2006 and subsequently participated in several EPSO open competitions/selection procedures. On 21 April 2016, the complainant contacted EPSO saying that he tried to delete his EPSO account, but that he had received an automatic message according to which deleting the account would not allow him to create a new one. He thus asked whether this meant that he would not be able to participate in future EPSO competitions.

2. On 26 April 2016, EPSO replied that, if he deletes his account, he would be able to create a new one. The complainant then wrote back stating that, when he tried to delete his EPSO account, he received a message which lists several competitions he participated in (some of which date back to 2005). EPSO replied that it was impossible to delete his account since two competitions he had registered for were still open. The complainant then wrote back stating that, apparently, all the competitions he participated in seemed still to be open. He again wrote to EPSO on 14 May 2016 raising the same issue.



3. Having received no reply, on 8 June 2016, the complainant turned to the Ombudsman.

### **The inquiry**

4. On 18 July 2016, the Ombudsman opened an inquiry and asked EPSO to address the following allegation and claim:

#### **Allegation:**

EPSO has failed to reply to the complainant's latest messages of 26 April and 14 May 2016 in which he asked EPSO to delete his account.

#### **Claim:**

EPSO should reply to the complainant and delete his EPSO account.

5. The Ombudsman also asked EPSO to clarify whether any competition the complainant participated in was still ongoing and, if so, to provide the necessary details. EPSO replied on 14 September 2016. EPSO's reply was sent to the complainant who did not submit comments on it.

6. In the course of the inquiry, the Ombudsman duly considered the information provided in the complaint and in particular the correspondence exchanged between the complainant and EPSO.

### **Alleged failure to reply and to delete the complainant's EPSO account**

Arguments made by the complainant and EPSO

7. On 14 September 2016, **EPSO** replied to the complainant. In its reply, EPSO referred to its earlier reply according to which the complainant's EPSO account could not be deleted. It clarified that, according to his EPSO profile, the complainant was a candidate for two EPSO contract agent selection procedures, namely EPSO/CAST/02/10-F2 and EPSO/CAST/P/4/2015. EPSO also stated that the validity of the databases of these selection procedures had been extended until 31 December 2016.

8. EPSO explained to the complainant its **policy and rules on data retention**. It stated that, for open competitions, point 22 a) of the Notification to the Data Protection Officer (DPO) n° 336 states that : "*The retention period for online data is 12 months after the recruitment of the selected successful candidate or until the closing of the reserve list if the person has not been recruited. For applicants (unsuccessful candidates), online data are kept for 12 months after the closure of the applicant's last competition. Non-validated applications: 1 year after closing date. Paper files are filed and kept for 10 years.*"

9. For CAST calls for proposals, point 22 a) of the Notification to the DPO - 884 provides that "



*the retention period is 3 years for the database of successful candidates. If a database is extended beyond the three-year period, EPSO will post a notice on its website. The information necessary for the creation of an EPSO Account (used name, first name, email address and password) is kept by EPSO for one year after the expiry date of the validity of the database. This data may be reused to register for other contract agent selections ".*

10. Thus, EPSO said that since the data retention period for the CAST selection procedures the complainant had participated in had not yet come to an end, it could not delete his EPSO account. However, EPSO reassured the complainant that, as soon as the retention period related to any selections in which he is a candidate (or which he successfully completes) comes to an end, his EPSO account will be deleted.

11. **The complainant** did not submit any comments on EPSO's above reply.

The Ombudsman's assessment

12. Regarding the alleged failure to reply, the Ombudsman notes that EPSO replied to the complainant on 14 September 2016. EPSO has thus **settled the complainant's allegation** .

13. Regarding the complainant's claim that his EPSO account should be deleted, it appears from the EPSO's reply that the complainant is a candidate for two EPSO contract agent selection procedures for which the data retention period has not expired. In particular it appears that the database of the selection procedure EPSO/CAST/02/10 has been extended until 31 December 2016 [1] , and that the selection procedure EPSO/CAST/P/4/2015 is still ongoing [2] . Therefore, EPSO's position that it cannot yet delete the complainant's account is in accordance with its data retention rules. The Ombudsman thus finds **no maladministration with regard to the complainant's claim** .

## Conclusion

On the basis of the inquiry into this complaint, the Ombudsman closes it with the following conclusions [3] :

**EPSO has settled the complainant's allegation.**

**There is no maladministration by EPSO regarding the complainant's claim that his EPSO account should be deleted.**

The complainant and EPSO will be informed of this decision.

Strasbourg, 21/10/2016

Lambros Papadias



### Head of Inquiries - Unit 3

[1] EPSO's website mentions that “ *the validity of the database has been extended until **31/12/2016** . The new validity date will apply to all profiles and all function groups* ”  
([http://europa.eu/epso/success/cast/cast\\_2010/index\\_en.htm#chapter1](http://europa.eu/epso/success/cast/cast_2010/index_en.htm#chapter1)).

[2] EPSO's blog mentions that “ *Unless otherwise stated on the EPSO website, **this call will remain open for registration without any deadline for submitting applications*** ”  
(<http://blogs.ec.europa.eu/eu-careers.info/2016/03/02/figures-about-the-selection-procedure-epsocastp1-42015/>).

[3] Information on the Ombudsman's review procedure can be found on the [website \[Link\]](http://www.ombudsman.europa.eu/en/atyourservice/complainantsrights.faces):  
<http://www.ombudsman.europa.eu/en/atyourservice/complainantsrights.faces> [Link]