



Secretary General

Personnel, Administration and Budget Unit

European Ombudsman

Public record of processing activity:¹

Certification procedure within the EO Office

1. Last update of this record: 15.09.2020

2. Reference number:² 19/2020

3. Name and contact details of the controller:³ European Ombudsman (EO), 1 avenue du President Robert Schuman, CS 30403, F-67001 Strasbourg Cedex - Contact: Personnel, Administration and Budget Unit (PAB) - HR Sector - EO@ombudsman.europa.eu

Responsible department: The staff members of the Personnel, Administration and Budget (PAB) Unit (Human Resources Sector) dealing with the certification procedure.

4. Name and contact details of the Data Protection Officer: Mr Juliano Franco, Dpo-Euro-Ombudsman@ombudsman.europa.eu

5. Name and contact details of the processor:⁴ N/A

6. Name and contact details of the joint controller(s):⁵ the European Commission (for the data processed in the framework of the certification procedure and coming from the staff reports) -DG HR/DG DIGIT (DIGIT-SYSPER2@ec.europa.eu) which manage the SYSPER module on staff assessment (EVA), used by the EO for the appraisal procedure.

¹ To be filled in by the controller. See Article 31(1) and (5) on records of processing activities of Regulation 2018/1725: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>

² For tracking. If the office decides to keep a central register, contact the keeper of that register to obtain a reference number.

³ Use functional mailboxes as far as possible to ensure business continuity.

⁴ Where applicable. If you use a processor (contractor) to process personal data on your behalf, please indicate so (e.g. 360° evaluations, outsourced IT services or pre-employment medical checks).

⁵ Where applicable. If you are jointly responsible with another EU institution, please indicate so here (e.g. two institutions with shared medical service). If this is the case, make sure to mention in the description who is in charge of what and who people can address for their queries.



7. Purpose(s) of the processing:⁶ To carry out the annual certification procedure in the EO Office.

The certification procedure enables the appointment of an assistant (AST) official from grade 5 to a job in the administrator (AD) function group by means of a compulsory vocational training. The legal basis of the processing are Articles 45 of the Staff Regulations⁷, and the " [*Décision portant adoption des dispositions générales d'exécution relatives à l'article 45 bis du Statut*](#) of the EO of 21 July 2005.

Description of the main steps of the procedure (for details, please consult the EO Decision mentioned above): each year, after consultation of the Joint Committee, the EO sets out the number of official(s) authorised to follow the certification procedure. The EO sets out the criteria and the number of points given for each criteria (ex: professional experience, level of studies, diplomas obtained) after opinion of the Joint Committee. The EO then publishes a call for applications. PAB Unit carries out an assessment of the admissibility of the applications received. The EO draws up a list of list of AST official(s) shortlisted to take part in the training programme. Once the training is completed, the EO published the list of the candidates who have passed the examinations.

8. Description of the categories of data subjects and of the categories of personal data:⁸

- Categories of data subjects: AST officials of the EO Office.

- Categories of personal data:

- data processed in the application form (see enclosed); identification data (name, surname, personal number); administrative position (ex: in activity, on parental leave); grade; knowledge of languages; diplomas obtained; professional experience in the EU institutions; cover letter.
- the three most recent candidate's appraisal reports⁹ enclosed as supporting documents with the application and containing the assessment and comments from the candidate's reporting officer (ex: objectives and their fulfilment for the relevant year, comments and assessment of the candidate's performance; his/her skills to become an administrator),
- data on the post occupied by the candidate and on his/her duties;
- data concerning the candidate's seniority in his/her grade as an assistant¹⁰ and on his/her career progression.

⁶ Very concise description of what you intend to achieve; if you do this on a specific legal basis, mention it as well (e.g. staff regulations for selection procedures).

⁷ See Article 45 SR: " 1. By way of derogation from Article 5 (3) (b) and (c), an official in function group AST may, from grade 5, be appointed to a post in function group AD, on condition that: (a) he has been selected in accordance with the procedure laid down in paragraph 2 of this Article to take part in a compulsory training programme as set out in point (b) of this paragraph, (b) he has completed a training programme defined by the Appointing Authority comprising a set of compulsory training modules, and (c) he is on the list drawn up by the Appointing Authority of candidates who have passed an oral and written examination (...)"

⁸ In case data categories differ between different categories of persons, please explain as well (e.g.: suspects vs. witnesses in administrative inquiries)

⁹ See article 4 (a) of the « *Décision portant adoption des dispositions générales d'exécution relatives à l'article 45 bis du Statut* » : « *Trois des cinq derniers rapports annuels de notation doivent attester que le fonctionnaire concerné dispose du potentiel requis pour assumer des fonctions d'administrateur* ».

¹⁰ To be eligible, a candidate must at least have a minimum of 4 years in his/her grade as AST.



9. Time limit for keeping the data and, where possible, for erasure:¹¹

Data concerning the selected candidate(s) to follow the training programme (ex: application, results of the examination) is kept in the personal file 10 years after the termination of employment or the last pension payment. After this period, it is destroyed.

Data concerning candidates who were not selected for taking part to the training programme is kept for 2 years after the publication of the list of the shortlisted officials to the programme. It is destroyed afterwards.

10. Recipients of the data:¹² the EO, the Secretary General, the direct hierarchical superior (reporting officer) of the candidate to the certification procedure, the Head of PAB Unit, the Head of HR sector, the staff member(s) of the HR sector dealing with the certification procedure, the Joint Committee.

11. Are there any transfers of personal data to third countries and/or to International Organisations?:¹³ N/A

12. General description of security measures¹⁴: Data on the certification procedure (ex: applications, decisions of the EO) are archived in electronic version in a specific folder to which only a restricted number of staff members have access, on a need-to-know basis.

13. Information on how data subjects can exercise their rights of access and rectification, and where applicable, of erasure, restriction and data portability¹⁵:

Staff members have the right of access to their own personal data and to relevant information concerning how the EO uses it. They have also a right to request rectification of any incomplete or inaccurate data concerning them. They can rectify identification data at any time during the procedure. They have a right to object to the use of their data by the EO on grounds relating to their particular situation, at any time. Under certain conditions, they have the right to ask that the Ombudsman delete their personal data or restrict its use.

At any time, they may ask the EO information concerning processing of their personal data by e-mail (EO@ombudsman.europa.eu) or by contacting PAB Unit members-HR sector. They may also contact the EO Data Protection Officer at : dpo-eo-ombudsman@ombudsman.europa.eu. If they wish to complain about the

¹¹ Indicate your administrative retention period including its starting point; differentiate between categories of persons or data where needed (e.g. in selection procedures: candidates who made it onto the reserve list vs. those who did not).

¹² Who will have access to the data within the European Ombudsman? Anyone outside the office? No need to mention entities that may have access in the course of a particular investigation (e.g. OLAF, EDPS, Court of Auditors).

¹³ If yes, include the identification of the country or International Organisation and the documentation of suitable safeguards (e.g. processor in a third country using standard contractual clauses, a third-country public authority you cooperate with based on a treaty).

¹⁴ Where possible. Include a general description of your security measures that you could also provide to the public. See Article 33 on security of processing of Regulation 2018/1725: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>

¹⁵ Consider publishing the relevant part of the privacy statement and providing a link. See Articles 15 and 16 on the information to be provided to the data subject(s) and Article 17 to 22 on the rights of data subjects of Regulation 2018/1725: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>



Ombudsman's handling of their personal data, they may contact the European Data Protection Supervisor (www.edps.europa.eu) at the following address:
EDPS@edps.europa.eu



Privacy Statement

relating to the certification procedure within the European Ombudsman's Office

This privacy statement explains the reason for the processing, the way the European Ombudsman (EO) collects, handles and ensures protection of all personal data provided, how that information is used and what rights the data subjects may exercise in relation to their data.

The controller is the EO. The joint controller is the European Commission (for the data processed in the framework of the certification procedure and extracted from the staff reports) which manages the SYSPER module on staff assessment used by the EO for the appraisal procedure.

1. What personal data will the European Ombudsman process?

We process the following personal data of the applicants to the certification procedure:

- data processed in the application form (see enclosed); identification data (name, surname, personal number); grade; knowledge of languages; diplomas obtained; professional experience in the EU institutions; cover letter.
- the three most recent candidate's appraisal reports enclosed as supporting documents with the application and containing the assessment and comments from the candidate's reporting officer (ex: objectives and their fulfilment for the relevant year, comments and assessment of the candidate's performance; his/her skills to become an administrator);
- data on the post occupied by the candidate and on his/her duties;
- data concerning the candidate's seniority in his/her grade as an assistant and on his/her career progression.

2. Why does the European Ombudsman process these personal data?

The purpose is to carry out the annual certification procedure in the EO Office.

3. What are the legal bases and necessity for processing this data?

Processing is necessary on the basis of Article 5(1) (a) (the performance of a task carried out in the public interest) and 5 (1) (b) (compliance with a legal obligation to which the controller is subject) of Regulation 2018/1725.



The legal basis of the processing are Articles 45 of the Staff Regulations, and the "*Décision portant adoption des dispositions générales d'exécution relatives à l'article 45 bis du Statut*" of the EO of 21 July 2005.

4. Who is responsible for processing the data?

Data is processed by the Unit Personnel, Administration and Budget (PAB)-Sector Human Resources (HR).

5. Who will be recipients of the data?

The EO, the Secretary General, the direct hierarchical superior (reporting officer) of the candidate to the certification procedure, the Head of PAB Unit, the Head of HR sector, the staff member(s) of the HR sector dealing with the certification procedure, the EO's Joint Committee.

6. How long will the data be kept?

Data concerning the selected candidate to follow the training programme (ex: application, results to the examination) is kept in his/her personal file 10 years after the termination of employment or the last pension payment. After this period, it is destroyed.

Data concerning the candidates who were not selected for taking part to the training programme is kept for 2 years after the publication of the list of the shortlisted officials to the programme. It is destroyed afterwards.

7. How do we protect your data?

Data on the certification procedure (ex: applications, decisions of the EO) are archived in electronic version in a specific folder to which only a restricted number of staff members have access, on a need-to-know basis.

8. What are your rights and how can you exercise them?

You have the right of access to your own personal data and to relevant information concerning how the EO uses it.

You have also a right to request rectification of any incomplete or inaccurate data concerning you. You can rectify identification data at any time. You have a right to object to the use of your data by the EO on grounds relating to your particular situation, at any time. Under certain conditions, you have the right to ask that the EO deletes your personal data or restrict its use.

The EO will reply to your requests as soon as possible and within one month at the latest.



9. Who to contact in case of queries or complaints concerning data protection issues?

At any time, you may send data protection related questions concerning the certification procedure to the EO, at the following address:

European Ombudsman
1 avenue du Président Robert Schuman
CS 30403
F-67001 Strasbourg Cedex
EO@ombudsman.europa.eu

You also may contact the Data Protection Officer of the EO office at the following address: DPO-Euro-Ombudsman@ombudsman.europa.eu

You may lodge a complaint with the European Data Protection Supervisor at any time at the following address: EDPS@edps.europa.eu