

ACTING EXECUTIVE DIRECTOR

Parma, 28 NOV 2013
Ref. DD/IP/rl (2013) - **out-8048059**

Mrs Emily O'Reilly
European Ombudsman
1 Av. du President Robert Schuman
CS 30403
67001 Strasbourg
France

Re: Own initiative inquiry OI/4/2013/CK concerning the EU Agencies

Dear Mrs O'Reilly,

On 12 August 2013 the European Food Safety Authority (hereinafter EFSA) received a letter from the European Ombudsman inviting EFSA, within the context of an own initiative inquiry concerning all the European Agencies, to provide clarifications regarding its policy concerning disclosure of the names of the selection board members.

As a preliminary remark, I would like to welcome this own initiative inquiry as it touches upon the important issue of how to strike the correct balance between openness and the legitimate needs of confidentiality in the work of selection boards.

The first question of the inquiry seeks to clarify whether, in the EFSA environment, the names of selection board members are disclosed to candidate and if so, at which stage of the selection procedure. In addition, clarification is sought on whether the names are published proactively or whether they are made available upon request.

I would like to inform you that until now, EFSA has been disclosing the names of selection board members to the candidates upon their request. As of October 2012, within the context of certain selection procedures, EFSA started disclosing the names of the selection board members to candidates invited for the interview phase proactively by the means of an information sheet. EFSA intends to generalise the latter practice as of January 2014 for all selection procedures.

The second question of the inquiry seeks to clarify what are the measures EFSA has taken in order to ensure compliance with data protection requirements in case a proactive policy of disclosing the names of selection board members is adopted.

Concerning the above question, I would like to refer to an internal EFSA document titled 'Guidelines for Recruitment Selection Boards for external selection procedures organised by EFSA'. The guidelines describe the role, composition, rights and obligations as well as tasks and duties of the EFSA selection boards and are addressed to EFSA staff participating in a selection board. In the guidelines, it is clearly stated that '*[...] information on who is acting as Member of the SB is not covered by confidentiality [...]*'.

The purpose of this guideline is to inform the data subjects concerned about the use of their personal data. However, in order to improve the level of information of the data subjects, EFSA intends to add further details in the guidelines as of January 2014. More in particular, the 'Guidelines for Recruitment Selection Boards of EFSA' will be extended with the information to be provided to the Board members in their capacity as data subject in the sense of Article 12 of Regulation (EC) 45/2001.

I trust that the above address the questions of the own initiative inquiry, nevertheless I remain at your disposal in case you should need further information on this matter.

Yours sincerely,



Bernhard Url

Cc: O. Ramsayer; A. Vecchio; 