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THE CHAIRPERSON

Emily O'Reilly
European Ombudsman
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29 November 2013

Your Ref.: OI/4/2013/CK – S2013-178827 (12/08/2013)
Own Initiative Inquiry concerning the EU Agencies

Dear Ms O'Reilly

The European Banking Authority (EBA) welcomes the opportunity to comment on the EBA practices as regards the disclosure of the names of its selection board members.

First of all, we would like to emphasise the EBA's strong commitment to promote transparency and openness in any selection procedure held at the EBA. However, when deciding the practice to be adopted as regards the disclosure of the names of selection board members, the EBA has always taken into account the confidentiality aspects stipulated by the EU data protection legislation.

As a result, and in reply to your first question, whether the names of selection board members are disclosed to candidates, we would like to inform you that, the EBA does disclose the names of the selection board members to those candidates who are invited to an interview. However, in order to protect the privacy and integrity of staff members, the names of the selection board members are not published proactively.

With reference to the second question regarding what measures the EBA has taken in order to ensure compliance with data protection requirements, we would like to underline that selection board members are informed that their names will be provided to the candidates that are invited to an interview. This has been also recently implemented into a specific template called "List of Selection Committee".¹ Furthermore, the personal data of all candidates participating in any of the EBA selection procedure are processed as required by Regulation (EC) no 45/2001 which is also highlighted in any of the vacancy notices published by the EBA.

¹ The "List of Selection Committee" must be signed by each selection board member and among others includes a statement that the names of the selection board members may be transmitted to the candidates invited to the interview in accordance with Article 5(d) of the Regulation (EC) No 45/2001.

We would also like to stress that in order to avoid conflicts of interest, each selection board member must sign a declaration of conflict of interest, declaring whether they know, or have any professional relationship or any family/friendship links to any of the candidates who have applied.

Because of the reasons stated above, we believe that our practice in this issue offers an appropriate balance between openness and transparency on the one hand and the protection of the legitimate aspects of confidentiality of data subjects provided by the EU data protection legislation on the other hand.

I remain at your disposal for any clarification and discussion of the points raised in this letter.

Yours sincerely



Andrea Enria

CC: Mrs Christina Karakosta, Legal Officer, European Ombudsman