

## Recruitment of Local Agents in EU Delegations

### 1. INTRODUCTION

THE PROTECTION OF YOUR PRIVACY, INCLUDING YOUR PERSONAL DATA, IS OF GREAT IMPORTANCE TO THE EUROPEAN EXTERNAL ACTION SERVICE (EEAS), THEREBY REFLECTING THE PROVISIONS OF THE CHARTER ON FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION, AND IN PARTICULAR ART. 8 THEREOF. THIS PRIVACY STATEMENT DESCRIBES HOW THE EEAS PROCESSES YOUR PERSONAL DATA FOR THE PURPOSE IT HAS BEEN COLLECTED AND WHAT RIGHTS YOU HAVE AS A DATA SUBJECT.

YOUR PERSONAL DATA IS PROCESSED IN ACCORDANCE WITH REGULATION (EC) 45/2001 ON THE PROTECTION OF INDIVIDUALS WITH REGARD TO THE PROCESSING OF PERSONAL DATA BY THE COMMUNITY INSTITUTIONS AND BODIES AND ON THE FREE MOVEMENT OF SUCH DATA AND ITS SUCCESSIVE LEGISLATIVE ACT ENTERING INTO FORCE ON THE 25 MAY 2018 ALONG WITH THE GENERAL DATA PROTECTION REGULATION REPEALING DIRECTIVE 95/46/EC. IN THE EEAS IT IS IMPLEMENTED BY THE DECISION OF THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY OF 8 DECEMBER 2011.

ALL DATA OF A PERSONAL NATURE - NAMELY DATA THAT CAN IDENTIFY YOU DIRECTLY OR INDIRECTLY - WHICH YOU PROVIDE TO THE EEAS WILL BE HANDLED WITH THE NECESSARY CARE.

### 2. PURPOSE OF THE PROCESSING OPERATION

**The purpose of the personal data processing is to manage the recruitment process of local agents in EU Delegations.**

Additional information: The vacancy is advertised as widely as possible, given local labour market conditions. There are no nationality requirements and therefore the Head of Delegation may also recruit from the local expatriate community on the condition that candidates have valid work and residence permits. In case an appropriate candidate could not be recruited via a vacancy notice in the press, a specialised agency may be contracted as service provider. The head-hunter agency becomes a data processor for that particular service contract.

The selection procedure is regulated and consists of subsequent steps. Following the selection procedure, the Head of Delegation is requested to sign the employment contract. Before signing the contract, the Head of Administration need to receive all supporting documents (diplomas, certificates, testimonials, etc.) relating to the candidate's experience, education and training. The contract is signed by the Head of Delegation or in his/her absence by the Acting Head of Delegation.

After the recruitment, the administrative management of Local Agents, including a range of processes, is managed within the respective EU Delegations. The data controller and responsible organisational entity is the Administrative section of the Delegation under the supervision of the Head of Administration and ultimately the Head of Delegation.

### 3. DATA PROCESSED

The data which may be processed for that purpose are the following:

#### I. Personal data processed from applicants:

- Name and forename
- Date and place of birth
- Social security number
- Duration of the contract
- Data regarding professional experience, qualifications and skills, including CVs and motivational statements
- Contact details
- Marital status
- Information on dependents
- Future place of assignment
- Gender
- Employment authorisation
- Current place of assignment (if applicable)
- Results of the interview/selection panel reports

#### II. Personal data processed from the members of the selection panels:

- Name and forename
- Service/function

#### Security measures related to the data processed

Based on assessing risks with regard to the recruitment of Local Agents, the EEAS and the Delegations ensure that adequate organisational and technical measures are in place in order to safeguard your personal data.

The headhunting agency, as contractor will be bound by a service provider contract signed between the EU Delegation and the agency. The service contract shall include a contractual clause on data protection defining that the processor acts only on behalf of the data controller and that appropriate security safeguards are to be implemented by the contractor.

The technical and organisation measures are assured pursuant to the provisions on data security in accordance with Art 22 of Regulation (EC) 45/2001 or its successive legislative act.

### 4. CONTROLLER OF THE PROCESSING OPERATION

The Controller determining the purpose and the means of the processing operation is the European External Action Service. The organisational entity responsible for managing the personal data processing operation is the respective EU Delegation to each specific third country and international organisation under the supervision of the Head of Delegation. The co-controller is the EEAS Division Local Agents BA.HR.5 under the supervision of the Head of Division or the Deputy acting on his/her behalf.

## 5. RECIPIENTS OF THE DATA

The recipients of your data may be:

### In EU Delegations:

- Head of Delegation
- Deputy Head of Delegation
- Head of Administration
- Head of Section
- EU Delegation staff members involved in the management of local agents' files
- Specialised agencies/head-hunters

### In HQ:

- Staff processors of the data and other relevant EEAS and EC services dealing with local agents
- Authority authorised for Concluding Contracts of Employment
- EEAS Inspection team
- Directorate General of the European Commission (EC) owning the post
- EC Security Directorate

### Transfer to third countries and/or international organisations:

In case of contracting a headhunting agency, data for candidates applying through the agency will be collected and processed by the service provider. The contracted service provider may be a branch office of an international agency or a local enterprise.

The information in question will not be communicated to third parties, except where necessary for the purposes outlined above.

## 6. PROVISION, ACCESS AND RECTIFICATION OF THE DATA

You have the right to access your personal data and the right to correct any inaccurate or incomplete personal data, as well as to request the removal of your personal data if unlawfully processed, which will be implemented within 10 working days after the request has been deemed legitimate. If you have any queries concerning the processing of your personal data, you may address them to the Delegation at the functional mailbox of the respective EU Delegations. Functional mailboxes for EU Delegations can be found on the EEAS website under "EU around the world" > Delegations. Link to be followed:

[https://eeas.europa.eu/headquarters/headquarters-homepage/area/geo\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/area/geo_en)

## 7. LEGAL BASIS FOR THE PROCESSING OPERATION

The legal basis of the processing operation at stake is:

### Primary legal base:

- Conditions of Employment of Other Servants of the European Union (Title I, V)

### Secondary legal bases:

- The Decisions laying down the conditions of employment of local staff of the Commission of the European Communities and of the EEAS serving in non-member countries (Framework Rules). The Framework rules will be modified as EEAS and EC services are working to modernise the rules.
- Specific Conditions of Employment (SCE) of local staff (adopted for individual Delegations)  
The SCE is in a modification process to be replaced by a National Law Reference (NLR) register.
- Local legislation
- Individual employment contract

This information is available in the EU Delegations' Guide.

Further legal basis: Good administrative practices in the framework of the Treaty of Lisbon and the Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service (2010/427/EU) available on [http://www.eeas.europa.eu/background/docs/eeas\\_decision\\_en.pdf](http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf)

## 8. TIME LIMIT FOR STORING DATA

Retention of Selection and recruitment

- In case of *recruited applicants* the data retention period is set for 10 years as of the termination of employment.
- Retention of the recruitment case-handling file is set for 2 years after the end of the selection procedure.
- In case of *non-recruited applicants*, the time-limit for storage of the data is set in relation to the time-limits established for the possible review of the decision taken in the selection procedure (complaint to the European Ombudsman, appeal with the Civil Service Tribunal), as well as in accordance with Article 49 of the Implementing Rules to the Financial Regulation. Furthermore, where necessary, to allow for the finalisation of the exhaustion of all appeal channels, including appeals before the Civil Service Tribunal and the required follow-up to judgements, the personal data shall be kept until not more than 5 years after the judgment on the pending case is final, 2 years in case of complaint before the Ombudsman.

- In case of *non-recruited applicants on the "reserve lists for appointment"* the conservation of the data is to be determined in terms of the validity and the actual extension of the respective reserve lists.

When appropriate, personal data contained in *supporting documents* should be deleted where possible where these data are not necessary for *further purposes*, e.g. control, inspection and audit.

## 9. DPO CONTACT

In case you have questions related to the protection of your personal data, you can also contact the EEAS Data Protection Office EEAS DATA PROTECTION <[data-protection@eeas.europa.eu](mailto:data-protection@eeas.europa.eu)>.

## 10. RECOURSE

You have at any time the right of recourse to the European Data Protection Supervisor: [edps@edps.europa.eu](mailto:edps@edps.europa.eu).