

## **PRIVACY STATEMENT**

### **for processing of personal data in the context of staff selection for the BEREC Office**

The **Agency for Support for BEREC** (BEREC Office) processes the personal data of a natural person in compliance with Regulation 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

This privacy notice explains the BEREC Office policies and practices regarding the collection and use of your personal data, and sets forth your privacy rights. We recognise that information privacy is an ongoing responsibility, and we will update this notice where necessary.

#### **1. What is the purpose and legal basis for processing your personal data?**

The purpose of the processing operation is the organization of selection procedures for BEREC Office statutory staff (temporary agents and contract agents).

The processing of your personal data is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body and the data subject has given consent to the processing of personal data. Therefore it is lawful according to Article 5(a) and Article 5(d) of Regulation 2018/1725.

The legal bases are:

- The [BEREC OFFICE Founding Regulation](#), Regulation (EU) No 2018/1971 of the European Parliament and of the Council of 11 December 2018, replacing the previous Regulation (EC) No 1211/2009 (and particularly Art. 30).
- The [Staff Regulations](#) of Officials and the Conditions of Employment of Other servants of the European Communities and the European Atomic Energy Community, laid down by Regulation No 31 (EEC), 11 (EAEC), and in particular Articles 27-30 of the SR and Article 12 and 82 of the CEOS.
- The Decision [MB/2019/10](#) of 14 June 2019 of the Management Board of the Agency for Support for BEREC on the general provisions for implementing Article 79(2) of the Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed under the terms of Article 3a thereof.
- The Decision [MC/2015/3](#) of the Management Committee of the Office of the Body of European Regulators for Electronic Communications (BEREC Office) on laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union.

- Decision [MB/2019/05](#) of the BEREC Office Management Board on middle management staff.
- Administrative Notice No Ares(2019)1668166 of the BEREC Office Director laying down the rules on contribution towards travel and subsistence expenses of candidates invited to a selection procedure or a pre-employment medical examination<sup>1</sup>.

## **2. What personal data is collected and processed?**

We process the data contained in the application of all individuals submitting an application for the position of Temporary Agent or Contract Agent to the designated Agency functional mailbox indicated in the vacancy notice.

- Identification details: personal data allowing the candidate to be identified, i.e. surname at birth, first name, surname currently used, date of birth, nationality and e-mail address;
- Documents requested in the vacancy notice to verify whether the application is admissible or not: a curriculum vitae, a covering letter and application form;
- Information provided by the candidate to allow the practical organisation of pre-selection and other tests, i.e. street, postcode, town, country, sex, telephone, fax, language for correspondence, and any disability;
- Selection criteria information: information provided by the candidate to distinguish his/her suitability and eligibility for the post advertised e.g. citizenship, language knowledge, education, professional experience;
- Information provided by the candidate to support claims for the reimbursement of travel costs for interview (e.g. passport details and bank account details) and documents to support other claims to which the candidates may be entitled to during the selection process;
- On their own initiative, applicants may send documents such as letters of recommendation, certificates showing language competences, etc.
- Applicants for middle and senior managers' selection procedures might be invited to assess their Management skills by external Assessment Center. Data used for the assessment is data from applicants' application and curriculum vitae. As result of the assessment there are produced assessment report.

Interviews and written tests may take place either in presence or remotely via an online platform (e.g. MS Teams or Cisco-Webex). In the event of physical Interviews and written tests the BEREC Office contribute to the travelling expense of the candidates under the conditions of Administrative Notice No Ares(2019)1668166.

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<sup>1</sup> Provided to the concerned candidates

### **3. Who has access to your personal data and to whom is it disclosed?**

Personal data provided by the applicants are accessible to:

- Entity in charge of HR including its head - the Head of Administration and Finance Unit;
- The appointed members of the Selection Committee;
- Financial actors including the authorizing officer for the reimbursement of the travel costs, if and when applicable;
- Representatives of management skills assessment service provider. (For applicants to middle or senior managers' selection procedures, who are requested to undergo the management skills assessment)
- The Authority Authorised to Conclude the Contracts of employment (AACC): the Management Board – for the Director; the director – for all other staff.

Access rights for each user group are governed by the “need to know” principle. All recipients of personal data in the framework of this exercise are instructed to process the personal data they receive only for the purpose for which they were transmitted.

This is without prejudice to a possible transfer to bodies in charge of a monitoring, auditing or inspection function in accordance with European Union legislation.

### **4. How long are your personal data kept?**

Your data are kept in line with the EC retention list for the following period:

- The personal data related to recruited applicants is stored in their personnel file and kept for 8 years after the extinction of all rights of the person concerned and of any dependents, and for at least 100 years after the recruitment of the person.
- The data of non-recruited applicants who are included in the reserve list will be kept for 2 years after the reserve list has expired.
- The personal data for non-successful candidates will be kept for 5 years after the closure of selection procedure.
- The financial data related to the selection procedure interviews reimbursement is kept for a period of 5 years after the year on which the BEREC Office receives the discharge for the respective payments, as required by the Financial Regulation.

### **5. What are your rights?**

You have the right to request BEREC Office access to and rectification of your personal data. Under certain conditions, you have the right to ask that BEREC Office delete your personal data or restrict its use. You have the right to withdraw your consent to the processing of your personal data.

You also have the right to object to our processing of your personal data, on grounds relating to your particular situation, at any time.

The controller shall provide information on action taken on a request within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests.

**Access:** You have a right to access your personal data related to the selection procedure (including their evaluation results), with the exception of comparative results of other applicants or of the opinion of individual members of the Selection panel.

**Rectification:** You have a right to obtain without undue delay the rectification of inaccurate personal data concerning you. On the other hand, the data demonstrating compliance with the eligibility and selection criteria may not be updated or corrected after the closing date for the respective selection procedure.

**Right to restrict processing:** Under certain conditions, you have the right to obtain the restriction of the processing, meaning that the data will only be stored, but not actively processed for a limited period of time.

**Erasure:** You have a right to obtain from data controller the erasure of data (cancellation of the application); for example, where the data is no longer necessary for the purposes of processing.

**Right to withdraw consent:** You have the right to withdraw your consent to the processing of your personal data. However, this will not affect the lawfulness of any processing carried out before consent is withdrawn. Please note that if you withdraw your consent to the processing of your personal data which is necessary for the processing of your application, this will be considered as a withdrawal of your application.

**Objection:** Candidates have a right to object to the processing of data related to him/her except in certain cases, such as where the processing is based on a legal obligation of the data controller

## 6. Who is the data controller and how to exercise your rights?

The BEREC Office shall exercise the tasks of the data controller for the purpose of these processing operations.

To exercise the mentioned rights, you can contact the controller by sending an email to: [recruitment@berec.europa.eu](mailto:recruitment@berec.europa.eu)

If you consider your data protection rights have been breached, you can always lodge a complaint with the BEREC Office's Data Protection Officer ([dpo@berec.europa.eu](mailto:dpo@berec.europa.eu)) or with the European Data Protection Supervisor: [edps@edps.europa.eu](mailto:edps@edps.europa.eu)

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