

PRIVACY STATEMENT

for processing of personal data in the context of Selection and Recruitment of Seconded National Experts (SNE's) and National Experts in Professional Training (NEPT's) for the Agency for Support for BEREC (BEREC Office)

The Agency for Support for BEREC¹ (BEREC Office) processes the personal data of natural persons 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 BEREC Office policies and practices regarding its collection and use of your personal data, and sets forth the privacy rights of the data subjects. The BEREC Office recognises that information privacy is an ongoing responsibility, and, therefore, will update this notice where necessary.

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

The purpose of processing of personal data is to manage applications of candidates in a view of possible secondment as SNE or NEPT at the Agency and establishment of the financial rights of SNE's.

The lawfulness for the processing operation is Article 5(a) and Article 5(d) of Regulation 2018/1725.

The legal bases for processing personal data are, as follows:

- 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 Article 33 and Article 35(2)).
- Staff Regulations of Officials of the European Union (Staff Regulations) and the Conditions of employment of other servants of the European Union (CEOS), laid down by Regulation (EEC, Euratom, ECSC) No 259/68 of the Council, as last amended by Council Regulation (EC, Euratom) No 23/2005 (and particularly Article 38 of the Staff Regulations).
- Decision MB/2020/03 of the Management Board of the Agency for Support for BEREC (BEREC Office) on the secondment to the BEREC Office of national experts and national experts in professional training.

¹ Body of European Regulators for Electronic Communications

2. What personal data is collected and processed?

2.1. Data processed during the selection stage:

- a. 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;
- b. Documents requested in the vacancy notice to verify whether the application is admissible or not: a curriculum vitae, a covering letter, application form and written confirmation by the SNE's or NEPT's employer regarding their support of the candidacy;
- c. Information provided by the candidate to allow the practical organisation of selection and to ensure communication with the candidate, address, telephone, fax, language for correspondence and any disability which may influence the participation in the selection procedure;
- d. Information, which could support the Agency's policy for gender and geographical balance in the event of equal merits, such as sex and nationality;
- e. Eligibility and 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;
- f. Information provided by the candidate to support claims for the reimbursement of travel costs for interview, where applicable (personal data and bank account details) and the necessary supporting documents;
- g. On their own initiative, applicants may send documents such as letters of recommendation, certificates showing language competences, etc. but as a general rule such documents are not required by the Agency at the selection phase.

2.2. Data processed during the recruitment stage:

- a. Original documents provided by the candidate to support the information given during the selection - data concerning the identity of the person concerned, his/her career, etc.;
- b. Data related to relatives and/or persons to contact in case of emergency;
- c. Correspondence with the national administration concerning the secondment and the work activity;
- d. The health insurance justification, as well as any other insurance (accident/ death) that can be used in case of emergency;
- e. Information provided by the candidate to support claims for the reimbursement of travel costs for secondment (e.g. bank account details) and later-on for payment of the allowances and documents to support other claims to which the candidates may be entitled to during the selection process;
- f. Any other relevant data supplied by the SNE or NEPT necessary to manage his/her individual file.

2.3. Data processed during the secondment:

- Data related to the SNE's evaluation carried out by his/her Line Manager (only if requested by the originating national administration).

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

Recipients of the data for the selection and recruitment of SNE's and NEPT'S are:

- The HR professionals in charge of the selection procedure and responsible of processing the files;
- The members of the selection committee appointed by the Director;
- The Director in the capacity of Authority Authorised to Conclude the Contracts of Employment (AACC);
- The Line managers may access the following information of SNE's/NEPTs working in their Unit: working time, absences, annual evaluation (if requested) and any other data necessary for the management of their staff;
- The originating SNE/NEPT's national administration in case of transfer of evaluation data (when expressly requested by the originating NRA);
- Only for SNE's: The PMO, which will receive part of the information in order to establish the allowances of the SNE's on behalf of the BEREC Office;
- Financial actors in accordance with the financial circuit (for payments): Data entry agent (DEA), Operational initiating agent (OIA), Operational verifying agent (OVA), Financial initiating agent (FIA), Financial verifying agent (FVA), Authorising officer (by delegation)

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.

4. Do we transfer your personal data outside the EU?

Personal data of BEREC Office SNEs and NEPTs are not intended to be transferred to a third country.

Only in the specific case that a BEREC participating NRA based in a non-EU/EEA country requests its SNEs/NEPTs evaluation data, it is possible that BEREC Office transfers these data to the concerned non-EU/EEA NRA. This may represent a transfer of personal data outside the EU/EEA and it may occur in absence of adequacy decisions or appropriate safeguards.

Such transfers are possible since they are based on the derogation of Art.50 a) (explicit consent of the data subject) and Art. 50 d) of Regulation 2018/1725 (the transfer is necessary for important reasons of public interest).

5. How long are your personal data kept?

In line with the EC retention list:

- Information related to the successful and recruited candidates will be kept in the Personnel files. 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.
- Information provided by the SNE's to support claims for the reimbursements of travel costs for interview and recruitment (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 will be held in accordance with the rules of the Financial Regulation, namely: 5 years from the date on which the European Parliament grants discharge for the budgetary year to which the payments relate.

6. What are your rights?

You have the right to request from the controller access to and rectification or erasure of your personal data or restriction of processing.

You also have the right to object to processing of your personal data and to data portability.

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.

7. 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@bereg.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@bereg.europa.eu) or with the European Data Protection Supervisor: edps@edps.europa.eu