

Privacy statement regarding the selection and recruitment of trainees of the European Institute of Innovation and Technology

This privacy statement provides information relating to the processing of personal data of EIT staff carried out by the European Institute of Innovation and Technology within the framework of selection and recruitment procedures of trainees.

The processing of personal data of the candidates follows the provisions of Regulation (EU) 2018/17251 of the European Parliament and of the Council of 23 October 2018 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 (hereinafter “the Regulation”).

What is personal data and what is a personal data processing operation?

Personal data shall mean any information relating to an identified or identifiable natural person (‘data subject’). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Processing any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Who are the data subjects?

The data subject are the candidates who have submitted an application for a traineeship at the EIT.

Who is the controller of the data processing?

The data controller is the Head of Services and Finance Unit of the EIT.

What is the purpose of the personal data processing?

The purpose of processing personal data is to select and recruit trainees to meet the objectives of the EIT traineeship scheme, in particular to promote European integration by providing an opportunity for trainees to acquire practical experience of the activities of the European institutions in general and the European Institute for Innovation and Technology in particular.

The data processing operations include the collection, recording, organisation, storage, consultation, use, disclosure by transmission, erasure and destruction of personal data. In particular, the personal information of the candidates contained in their application are accessed, evaluated, stored and

eventually destroyed. The data are used to identify the most suitable candidates, and subsequently for the management of the traineeship contract, including the payment of the monthly allowance.

What types of personal data are processed?

The following types of personal data are processed for the above mentioned purposes in accordance with the Regulation:

- a) Personal data provided by the candidate allowing identification of the candidate (surname, first name, date and place of birth, gender, nationality);
- b) Photo of the candidate is not requested, but may be included in the CV;
- c) Information provided by the candidate to verify whether or not he/she meets the eligibility criteria fixed in a call for applications (such as citizenship, language certificates, diploma/training: year awarded, title, name of the awarding body, employment records etc.);
- d) Contact information provided by the candidate to allow the practical organisation of the selection process (street, postcode, town, country, telephone number, fax, e-mail address);
- e) Information about the candidate's motivation and preferences in terms of preferable unit or type of activity;
- f) Financial information at the end of the recruitment procedure (for instance, bank account details);
- g) Personal data about family only in case the candidate is a close family member of an EIT staff member or of an EIT Governing Board member;
- h) Information concerning special needs (disability)
- i) In case of recruitment, the selected candidate is requested to sign a conflict of interest declaration.

The EIT does not require the applicants to submit any special category of data as part of the selection and recruitment procedure. If participants decide to share such information for example by means of attaching a photo to their CV this is done spontaneously and thereby with unambiguous consent.

Who has access to the personal data of data subjects and to whom can they be disclosed?

Within the EIT:

The personal data of the candidates is processed by the EIT authorised staff: HR staff, EIT staff participating in the Committee in charge of the pre-selection of the candidates for traineeship, Heads of Units and Director of the EIT.

Access will be given to the Internal Auditor of the EIT by request if necessary for the performance of the duties of the Internal Auditor.

Within the Commission and other EU institutions/bodies/agencies:

The authorized staff that may have access to relevant personal data for audit control or investigation purposes: Court of Auditors, Internal Audit Service of the European Commission, European Anti-Fraud Office (OLAF).

For the purpose of handling review procedures, access to the personal data may be granted to the European Ombudsman, the European Data Protection Supervisor, the General Court and the European Court of Justice upon request and to the extent necessary for handling the review procedure.

Third parties subject to the GDPR¹ and third parties not subject to the GDPR:

Exceptionally and if necessary, information concerning the trainee selection and recruitment may be disclosed to external lawyers (advocates) subject to the GDPR for specific and limited purposes only. In this case a written contract (service contract) is signed between the EIT and the external lawyer in order to ensure that that Article 29 of the Data Protection Regulation of the EU institutions is respected by the data processor. These written contracts follow the model of the Commission and include a specific article on data protection.

The same applies to external IT contractors with whom the EIT has a framework contract in order to provide IT services for the EIT.

How long do we keep your data?

- Data of recruited candidates: the personal data of the trainee is stored in the personnel file throughout the employment at the EIT. The personnel files will be retained for a period of **7 years** after the traineeship budget is discharged in accordance with the Financial Regulation. Once the above mentioned period of 7 years is completed, only the data necessary for providing a copy of the trainee certificate (name of the trainee, information on the duration of the traineeship, the unit to which the trainee was assigned, the name of supervisor and the nature of work performed) is stored for 50 years.

Following the expiry of the 7 years, any further data required for historical, statistical or scientific purposes should be kept in an anonymous form.

- Data of shortlisted but not recruited candidates is kept for a period of **2 years** from the expiry of the validity of the shortlist for the purposes of potential review procedures concerning the selection and recruitment procedure (complaint to the EIT, complaint to the European Ombudsman, appeal to the General Court, etc.) and for budgetary or audit purposes. In case the

¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

length of the review procedure exceeds the period of two years, the relevant data are kept for the duration of the ongoing review procedure.

- Data of not shortlisted candidates will be kept for a period of **2 years** from the establishment of the shortlist in which they are not included, for the purposes of potential review procedures concerning the selection and recruitment procedure (complaint to the EIT, complaint to the European Ombudsman, appeal to the General Court, etc.) and for budgetary or audit purposes. In case the length of the review procedure exceeds the period of 2 years, the relevant data are kept for the duration of the ongoing review procedure.

What are the rights of the data subject?

In accordance with Articles 15, 17, 18, 19 of the Data Protection Regulation of European Institutions the data subjects have the **right for information**, the **right of access**, the **right of rectification** in case their personal data is not complete or not accurate and the **right to erasure** (“right to be forgotten”). The exercise of such rights may not result in unequal treatment of the candidates and may not be contrary or harmful to the aim of the selection procedure.

The rights **for information and of access** also include a right of a data subject to have access to the evaluation results regarding all the stages of the selection procedure (pre-selection, interview, written tests, if any). One should also keep in mind that in any case neither comparative data concerning other applicants (comparative results), nor to the individual opinions of the EIT staff participating in the Committee in charge of the pre-selection of the candidates for traineeship should be disclosed to the data subject.

The EIT points out that the **right of the rectification** of their inaccurate data during the selection process has the limits. A data subject after the closing date of submitting the applications cannot change any data related to the admissibility criteria. This restriction is necessary to guarantee the fairness and justice of the selection procedure. At the same time no limits apply to the identification data, it can be changed at any time of the selection process.

Candidates and selected experts have the right to obtain the **erasure** of their personal data in accordance with Article 19 of the Regulation and in particular in the cases when the personal data are no longer necessary in relation to the purposes for which they were collected, if the data subject withdraws its consent, or in case of unlawful processing.

Data subjects have also the **right to restriction** of processing of personal data in accordance with Article 20 of the Regulation, and the **right to object** on grounds listed in Article 23 of the Regulation.

The rights can be only exercised by sending a request in a written form to the traineeship@eit.europa.eu. As a general rule, the requests for information, access, rectification, erasure restriction are handled without undue delay and in any event within one month of receipt of the request; this period may be extended by further two months where necessary, taking into account the complexity and number of requests. In case the data subject contests the accuracy of the data, upon request, the data is restricted immediately for the period of verification of the accuracy of the data, not exceeding on month.

Restrictions to the rights of data subjects may be applied by the EIT, in accordance with Article 25 of the Data Protection Regulation of the European institutions and the EIT internal rules on restrictions².

Who should be contacted in case of queries or complaints?

You have the right of recourse at any time to the EIT's Data Protection Officer (EIT-DPO@eit.europa.eu) and to the European Data Protection Supervisor (EDPS@edps.europa.eu) or contact the site: <http://www.edps.europa.eu/EDPSWEB/>.

Legal basis of the processing operation

General legal basis:

- Regulation (EC) No 294/2008³ of the European Parliament and of the Council of 11 March 2008 establishing the European Institute of Innovation and Technology, as amended by Regulation (EU) No 1292/2013 of the European Parliament and of the Council of 11 December 2013⁴ ("EIT Regulation").

Specific EIT legal basis:

- Rules governing the Traineeship Scheme of the EIT (as published on the EIT website: <https://eit.europa.eu/work-with-us/careers/vacancies>)

Grounds for lawfulness

In line with Article 5(a) of Regulation No. (EU) 2018/1725, the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the EIT. The selection and the recruitment of trainees is part of the public interest activities of the EIT, carried out based on the Rules governing the Traineeship Scheme adopted by the EIT in the legitimate exercise of its official authority.

Furthermore, the processing is also lawful based on Article 5(d) of Regulation No. (EU) 2018/1725, since participation in the recruitment procedure is voluntary.

² Currently under adoption. The final version will be published at the following link: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>

³ OJ L 97 of 09.04.2008, p. 1-12

⁴ OJ L 347 of 20.12.2013, p. 174-184