



PRIVACY STATEMENT



FOR THE PURPOSE OF THE PROCESSING OPERATION

"EU High Level Advisers Programme in Moldova" Processing personal data in the framework of the selection, recruitment and administrative management of EU High Level Advisers

1. INTRODUCTION

THE PROTECTION OF YOUR PRIVACY, INCLUDING YOUR PERSONAL DATA, IS OF GREAT IMPORTANCE TO THE EUROPEAN COMMISSION (EC) AND 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. THE PRESENT PRIVACY STATEMENT DESCRIBES THE MEASURES TAKEN TO PROTECT YOUR PERSONAL DATA WHEN PROCESSING IT FOR THE AFOREMENTIONED PURPOSE AND WHAT RIGHTS YOU HAVE AS A DATA SUBJECT. YOUR PERSONAL DATA ARE 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, ALIGNED WITH THE GENERAL DATA PROTECTION REGULATION /REG. (EU) 2016/679/. ALL DATA OF A PERSONAL NATURE - NAMELY DATA THAT CAN IDENTIFY YOU DIRECTLY OR INDIRECTLY - WHICH YOU PROVIDE TO THE EC AND THE EEAS WILL BE HANDLED FAIRLY AND LAWFULLY WITH THE NECESSARY CARE. THIS PRIVACY STATEMENT IS LINKED TO THE NOTIFICATIONS NEAR DPO-3821 AND EEAS E-DPO 1921 "EU HIGH LEVEL ADVISERS PROGRAMME IN MOLDOVA".

2. PURPOSE OF THE PROCESSING OPERATION

Purpose of the processing

The purpose of personal data processing is to facilitate the EU High Level Advisers Programme in Moldova, which is to draw on the experience of long standing senior officials with expertise in leading sectoral public policies and/or in managing public bodies in a Member State (MS); with a view to helping the beneficiary country to meet the commitments it has made in connection with European Union related agreements.

Description of the processing

The selection process of the EU High Level Advisers is divided into two steps. First, shortlisting of candidates, and, second, interviews in order to be in position to propose one successful candidate to the Partner Country. The current processing must guarantee full compliance with applicable data protection regulation in both stages. The general procedure attributes the first stage of selection (shortlisting) to the European Commission (EC), Directorate General Neighbourhood and Enlargement Negotiations (DG NEAR), Unit NEAR C1 (Georgia, Moldova & Neighbourhood Cross-Border Cooperation), and Unit NEAR C3 (Institution Building Unit – "IBU"), under the authority of the Head of Unit NEAR C1 acting as the Controller, Directorate Neighbourhood East, DG NEAR. The second stage corresponds to the EU Delegation to the Republic of Moldova. There is an exceptional procedure where the EU Delegation to the Republic of Moldova carries out the selection procedure at both stages. Same rules shall apply to both procedures.

In order to recruit the experts for the EU High Level Advisers Programme in Moldova, DG NEAR C3 (IBU) launches a first call for applications for senior qualified professionals with significant experience in leading sectoral public policies and/or in managing public bodies at the highest level in a MS. If selected, the successful candidates will be remunerated through a contractual relationship that they will need to enter into with a service provider which will be selected through a tender process issued by the EU Delegation to Moldova.

In the first instance, NEAR C1 requests NEAR C3 to ask IBU's Member State National Contact Points (MS NCPs) to circulate the job descriptions of the available positions to appropriate services and administration in their respective MS. The applications, consisting of the Curriculum Vitae (CV) of the expert, accompanied by a cover note indicating the position that is applied for and, possibly, some motivational considerations will be collected by the NCPs. The NCPs should check the applicants' credentials and verify that the Curricula Vitae (CVs) meets the minimum criteria as indicated in the job descriptions. Those applications cleared by the NCP should be sent to a functional mailbox established by IBU for the programme.

The CVs, cover notes, any supporting documents and an Excel summary list of candidates will be saved on the Drive of DG NEAR, with access limited to the programme manager, a secretary in charge of the filing and the Head of Unit NEAR C1. Following the expiration of the deadline for applications, the CVs will be evaluated by panels comprising of the programme manager and selected NEAR staff members depending on the expertise being evaluated. Selected staff of EEAS or other Commission services may be invited to assist in the panels. The shortlisted CVs, cover notes and supporting documents will then be sent to the EU Delegation to Moldova for interviews to be held with the selected candidates.

The CVs, cover notes, any supporting documents and an Excel summary list of candidates will be saved on the Drive of EU Delegation, with access limited to the programme manager, a secretary in charge of the filing and the Head and Deputy Head of

Operations Section. The CVs of the successful candidates will be presented to the respective Moldovan administrations for final endorsement. The CVs, cover notes and any supporting documents of those candidates who were not successful at the interview stage or who were shortlisted but not interviewed will be retained for a period of two years and may be utilised again, in case vacancies arise in the HLA Programme.

EU Delegation may launch a call for expression of interest for limited number of vacancies (e.g. only one or two) and to manage the reception of CVs, shortlisting and interviews. In any case, previous paragraphs will apply for the management of the personal data.

Contract revision process

The contracts of the High Level Advisers will be revised annually on a compulsory basis through individual 360° evaluations carried out by the Service Provider where the views of the High Level Advisers, together with the views of the Contracting Authority and of the beneficiary will be consolidated for a fair judgement regarding the sector and the performance of the individual HLA. The evaluation, in accordance with Annex 2, Terms of Reference, Sections 2-3 on the specific work and project management of the Service Contract, as described in the High Level Advisors Manual, is implemented following the 360° methodology on the basis of the self-assessment of the HLAs, incorporating the peer assessments and subsequently consolidating the views of the Contracting Authority and the views of the beneficiary. The expert, therefore, has the right to comment the final version of the individual evaluation. The renewal of the contracts of the individual experts is subject to positive appraisal in the relevant evaluation.

3. DATA PROCESSED

I. Data, including personal data, processed in the framework of the selection, recruitment and administrative management

- Identity data (e.g. name, nationality, etc.)
- Contact details (e.g. address, email, etc.)
- Data (including personal data) in Curricula Vitae (CV; e.g. work experience, education and training, job related skills and competences, etc.)
- Personal data in Cover Letters
- Personal data in supporting documents submitted by candidates
- Personal data in Declarations of conflict of interest prior to recruitment
- Personal data related to the annual individual 360° evaluation on a compulsory basis carried out by the Service Provider and consolidated with the views of the Contracting Authority and of the beneficiary in order to renew the HLA contracts. (Description of the evaluation is under Point 2 Contract Revision process.)
- Personal data related to medical insurance in case collected by the Service Provider determined by the Service Contract pursuant to Art. 13. Paragraph 1 of the General Conditions to the contract.
- Contact details and relevant personal data of panel members

II. Audio-visual material processed only in case the contractor provides the audio-visual documentation related to the project to the Delegation

- Photos / pictures, presentations, live web streaming and/or audio and video recording of the EU High Level Advisers Programme in Moldova

The data indicated above will be collected from the following individuals:

- the candidates
- the successful candidates and their relevant dependant relatives (as per the Declaration of Interest)
- members of the evaluation panels

4. CONTROLLER OF THE PROCESSING OPERATION

The Joint Controllers determining the purpose and the means of the processing operation are the European Commission and its Directorate Neighbourhood and Enlargement Negotiations and the European External Action Service. The entities responsible for managing the personal data processing operation are DG NEAR C1 (Georgia, Moldova & Neighbourhood Cross-Border Cooperation) and the EU Delegation to the Republic of Moldova as well as EEAS EURCA.EAST.2 'Eastern partnership bilateral' Division under the supervision of the Head of Delegation and Head of Division or the Deputy acting on his/her behalf.

5. RECIPIENTS OF THE DATA

The recipients of your data may include:

- Assigned personnel in EU Delegation to the Republic of Moldova, including interview panel members
- The main beneficiary of the project (State Chancellery of the Republic of Moldova) and specific counterpart of each EU High Level Adviser (e.g. Ministry of Finance, Ministry of Internal Affairs, Ministry of Environment, Parliament of the Republic of Moldova, etc.) At the selection stage the beneficiary will receive only the CV and cover letter of the proposed candidate to the position by the Evaluation Committee. During the compulsory annual 360° evaluation, the Beneficiary along with the Contracting Authority will examine and provide views to consolidate the report in order to renew the HLA contracts.
- Assigned EEAS HQ staff, including the pre-selection panel members
- Assigned EC DG NEAR staff, including the pre-selection panel members
- Assigned EC staff, including the pre-selection panel members
- IBU's National Contact Points (NCP) in each Member State

- Service Provider of the relevant technical assistance project providing support to the deployment of the High Level Advisers' mission

Relevant dependant relatives whose data may be processed related to candidates' declaration of conflict of interest will receive information on their data being potentially processed, as candidates will be reminded to inform their concerned relatives.

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

When required access to personal data will also be provided to the European Court of Auditors, Internal and External Auditors, the European Ombudsman, the European Anti-Fraud Office and the European Data Protection Supervisor.

No personal data will be transmitted to parties, which are outside the recipients mentioned in this privacy statement and the legal framework, without the prior consent of the data subjects.

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 in accordance with the provisions of job description/vacancy notice. You also have the right to request the removal of unlawfully processed personal data, which will be implemented within 10 working days after your specific request has been deemed legitimate. If you have any queries concerning the processing of your personal data, you may address them to the joint data controllers at the following functional mailboxes: <NEAR-EU-HIGH-LEVEL-ADVISERS@ec.europa.eu> with regard to the data processing before the interview, and <Delegation-Moldova@eeas.europa.eu> with regard to the processing after the interview. Your query will be handled in 1 month following official receipt of your request.

7. LEGAL BASIS FOR THE PROCESSING OPERATION

The legal basis of the processing operation at stake:

- Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument
- Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument
- Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11.3.2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action

Further legal reference:

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 at http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

Lawfulness of the processing:

- The processing of the personal data is lawful and necessary under Articles 5(a), 5(c) and 5(d) of Reg (EC) N° 45/2001.
- Pursuant to Article 10 of Regulation (EC) N° 45/2001 the Processor (Service Provider), under the supervision of the Data Controller (EU Delegation), may collect in exceptional circumstances personal data for the purposes of medical insurance, including a sick leave and incapacity/'fit for work' certificate solely for the purpose of certifying medical leave determined by the Service Contract pursuant to Art. 13. Paragraph 1 of the General Conditions to the contract. The data, however, will not include medical diagnosis or additional health information.
- The data will be processed in compliance with Article 4.1 of Regulation (EC) N° 45/2001, in particular Article 4.1(b).
- Shortlisted CVs will be transferred from DG. NEAR to the EU Delegation to Moldova in line with Articles 7.1 and 7.2 of Regulation (EC) 45/2001.
- Information related to the candidate who has been endorsed by the Evaluation Committee, by the Beneficiary and who has accepted the position following official notification from EU Delegation side, is sent to the Service Provider in charge of the logistic and contractual support to the programme. The Service Provider has been selected as outcome of a tendering procedure. The Service Provider is an enterprise based in the EU. Data will be transferred in accordance with Article 8 of Regulation (EC) 45/2001. With regard to the data evaluated by and consolidated with the Beneficiary, data is transferred in accordance with Article 9 of Regulation (EC) 45/2001.

The Processor (Service Provider) is bound by a specific contractual clause for any processing operations of your data on behalf of the Commission, and by the confidentiality obligations deriving from the transposition of Directive 95/46/CE and its successor legislative act, Regulation (EU) 2016/679, the General Data Protection Regulation.

The processing of personal data falls under Article 27.2 (b), of Regulation (EC) 45/2001 and was sent for prior checking to the European Data Protection Supervisor.

Legal references are made to the current data protection regulation applicable for EU institutions and bodies. Due to the upcoming reform of Regulation (EC) 45/2001, upon the new regulation entering into force in 25 May 2018 the data controllers will take into account the new provisions respecting an adequate and equal level of protection for processing personal data.

8. TIME LIMIT FOR STORING DATA

Your data will be retained as follows:

- In case of *selected applicants recruited for the post of an HLA*: The personal data of all selected and recruited candidates will be retained by the Controller for a period of 10 years following the closure of the contract between the EU Delegation to Moldova and the service provider contracted to run the EU High Level Advisors in Moldova

Programme, to allow for historical, statistical and reference purposes. The Processor has a contractual obligation to retain the data for a period of 7 years following the closure of the contract between the EU Delegation to Moldova and the Service Provider. In case of *non-recruited applicants*: The CVs, cover notes and any supporting documents of those candidates not shortlisted, and of those candidates shortlisted, interviewed but not recruited, will be retained for a period of 2 years following the recruitment procedure.

Data not applicable for the aforementioned purpose is to be deleted at the end of the evaluation process by DG NEAR.

- CVs, cover notes and any supporting documents of those candidates who were not successful at the interview stage or who were shortlisted but not interviewed will be retained for 2 years and may be used again, in case vacancies arise in the HLA Programme.
- The compulsory annual 360° evaluations will be attached to the relevant reports produced by the Service Provider in line with the contractual requirements. In case of judiciary procedures the personal data is kept for 5 years after case closure and for 2 years in case of complaint before the Ombudsman.

II.

- Photos / pictures, presentations, live web streaming and/or audio and video recording of the EU High Level Advisers Programme in Moldova are also kept for 10 years following the closure of the contract entered into between the EU Delegation to Moldova and the Service Provider contracted to run the EU High Level Advisors in Moldova Programme.
- When appropriate, personal data contained in *supporting documents* will be deleted if possible, where these data are not necessary for *further purposes*, e.g. control, inspection and audit.

III. Further conservation of files

Further conservation by EU Delegation: Files will be sent to Central Archives.

Further conservation of data by DG NEAR:

The paper files containing the data will be transferred to the archives of DG NEAR for a period of ten years following the closure of the contract with the Service Provider.

The personal data in electronic format will be encrypted by DG NEAR or mandated to be encrypted by DG NEAR. The decoding of these files will require the agreement of the Controller and each request will be logged. In cases where the Controller agrees the personal data will be decoded for use by the requesting person or organisation. Prior to the data being re-encrypted a copy of the relevant part of the log will be added to the decoded file. Following this period the files containing the data will be deleted.

9. **DPO CONTACT**

In case you have questions related to the protection of your personal data, you can also contact the Data Protection Coordinator of DG NEAR <NEAR-DATA-PROTECTION@ec.europa.eu>, the Data Protection Officer (DPO) of the Commission <DATA-PROTECTION-OFFICER@ec.europa.eu>, with regard to the data processing before the interview, or the EEAS Data Protection Office EEAS DATA PROTECTION <data-protection@eeas.europa.eu> with regard to the data processing after the interview has taken place.

10. **RECOURSE**

You have at any time the right of recourse to the European Data Protection Supervisor: <edps@edps.europa.eu>.