



## **Data Protection Notice for internal & external selections and recruitment procedures in HaDEA**

The European Health and Digital Executive Agency (HaDEA) processes your personal data<sup>1</sup> in line with [Regulation \(EU\) 2018/1725 of the European Parliament and of the Council of 23 October 2018](#)<sup>2</sup> on the protection of personal data by the European Union's institutions, bodies and agencies and on the free movement of such data.

### **What is the purpose(s) of this processing activity?**

**The purpose** is the selection and recruitment of well-qualified contract and temporary staff with a high degree of professionalism on the broadest possible geographical basis in the EU, through an equitable, transparent, objective and impartial selection process.

Specifically, the purpose is to manage Contract Agent 3(a) and Temporary Agent 2(f) selections, as well as for operations related to Spontaneous Applications, Internal Publications, Inter-Agency Mobility publications (Job Market of Contract or Temporary Agents), applications of Contract Agent candidates registered for Contract Agent Selection Tests (CAST) with the European Personnel Selection Office (EPSO) and applications for Contract Agents 3(a) and Temporary Agent 2(f) vacancy notices.

For each selection a "selection file" is created that contains all documents related to this specific selection procedure such as CVs and motivation letters of candidates, the Selection Committee appointment, declaration of confidentiality and absence of conflict of interest, minutes of the Selection Committee meetings, evaluation grids of candidates. The Selection Committee assesses the applications, against pre-defined selection criteria established according to the job description. Based on the assessment of the applications, the Selection Committee decides on the candidates to invite to the interview (and/or written test). Once the interviews are concluded (and, if applicable, the written tests corrected), the Selection Committee establishes a reserve list of candidates. Based on a recruitment decision made by the Director, the selected candidates are contacted and all necessary documents are collected for the purpose of the preparation of the contract.

For spontaneous applications, the contact details will be processed for the purpose of informing the applicant that HaDEA does not accept spontaneous applications and providing the applicant with more information about potential vacancies while referring to the external HaDEA website.

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<sup>1</sup> Personal data shall mean any information relating to an identified or identifiable natural person ('data subject'). An identifiable natural 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.

<sup>2</sup> [Regulation \(EU\) 2018/1725 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 \(OJ L295/39 of 21.11.2018\).](#)

The sub-processor, TestReach, may process personal data of candidates with the purpose of organising and invigilating online written tests within the framework of online selection procedures, which may be organised by HaDEA for Temporary Agent 2(f) selections and, where needed, for other kind of contracts. In particular, the sub-processor provides a cloud-based Software-as-a-Service solution used to create, deliver and mark any type of assessment. To take an exam on TestReach platform, the candidates will download and use the TestReach application.

Besides the above, reserve lists of successful candidates and their personal data are shared among Executive Agencies pursuant to the Memorandum of Understanding (MoU) for the sharing of reserve lists<sup>3</sup>. In line with this MoU, the Executive Agencies upload reserve lists onto a common repository from which candidates may be identified and recruited.

### **Who is the data controller?**

**The data controller** of the processing operation is the Head of Unit C.3 Staff, Communication and support of the European Health and Digital Executive Agency (HaDEA).

#### **The following entities may process your personal data on our behalf:**

European Commission, Directorate General for Human Resources and Security (DG HR), Unit B.1, processes personal data (as data processor) on behalf of HaDEA as manager of EUCV-Online, the e-Recruitment tool used to process applications (the Privacy statement is available [here](#)). The processor can be reached via HR-MAIL-B1@ec.europa.eu.

European Commission, Directorate General for Human Resources and Security (DG HR), Unit D.3, processes personal data (as data processor) on behalf of HaDEA as regards medical visits. The processor can be reached via [HR-MAIL-D3@ec.europa.eu](mailto:HR-MAIL-D3@ec.europa.eu). More information regarding the processing of personal data related to medical visits can be found on [HaDEA's website](#).

The following entities may also process personal data on HaDEA's behalf in case of online written tests invigilation:

Processor: SoftwareONE BE BV, Esplanade 1, Suite 315, Box 3, B-1020 Brussels.

Sub-processor: TestReach Ltd, 9-10 NexusUCD, Belfield Office Park, Clonskeagh, Dublin 4, Ireland, D04 V2N9.

### **Which personal data is collected?**

#### **The following of your personal data is collected:**

- Personal data allowing to identify the candidate, i.e. surname, first name, date of birth, gender, identification document (ID), nationality;
- Information to allow the practical organisation of preselection and other tests, if any, i.e. address information: street, postcode, town, country, telephone, email;
- Information to verify whether the candidate fulfils the eligibility and selection criteria laid down in the vacancy notice, i.e. nationality, languages, education, employment record, professional experience, military/civil service record, other relevant for the job skills such as knowledge of computer software, references (contact details of referees or performance reports);

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<sup>3</sup> Memorandum of Understanding concerning the modalities and procedures of interaction between the Executive Agencies on the sharing of Reserve lists (Ares(2022)8128318).

- Information about the length of the legal notice period required, periods spent abroad, motivation, declaration of honour as well as where the vacancy notice was found;
- Outcome of EPSO CAST results (for candidates for Contract Agent posts) and supplementary forms of evaluation carried out by the Agency (e.g. written tests);
- Results of the oral tests/interviews, if applicable;
- Identification data of the members of the Selection panels;
- Information regarding criminal records;
- Medical data in the context of the pre-employment medical visit of candidates who received a job offer and accepted it;
- Information about disability might be requested in order to facilitate the access of the candidate to the HaDEA premises and to adapt the space for the interviews and tests.
- Bank account details (Financial Identification form) – for candidates invited for an interview and pre-employment medical visit having the right to be reimbursed;
- In addition, for candidates who already work(ed) for EU Institutions HaDEA may also consult the Sysper profile in order to check information relevant to assess the application against the vacancy notice, such as probationary period, confirmation of grade, etc.
- With regard to the invigilation activity on online written tests carried out by TestReach, depending on the type of exam being taken, different information will be collected/stored by TestReach, including:
  - i) Exam Candidate Personal Information – this information is used to identify the candidate, to ensure they take the correct exam and to ensure their specific exam requirements are met. It may include: ID, name, email address, phone, demographic information, special adjustments for the exam (for example, additional time allowed). The candidate will be asked to present approved photographic ID at the beginning of the exam session on the camera and this is reviewed by the TestReach supervisor; they do not need to send their IDs in advance of the exam. When the written scripts are supplied for marking, they will be identified only by a candidate number, not by names or emails, so they will be anonymous for correctors. At the end of the process, each candidate number is matched with the name of the candidate to calculate the final score of the selection process.
  - ii) Computer Information – this information is used to maintain the integrity of the test, to investigate and resolve any issues that may arise (e.g. the Desktop App will check that the camera, microphone, screenshare and internet connection are all sufficient to take the exam. It could also detect if the computer has two monitors and block candidates from using the second monitor to perform activities outside of the exam. The App would detect any applications running in background on the candidate's computer to prevent the use of screen recording applications) and to help TestReach improve the service offered. It may include: IP address, browser header data (user agent), processes running, RAM & CPU usage statistics, installed drivers, peripherals connected and cookies used.
  - iii) Candidate Exam Information – it includes video, audio, remote screenshare and related recording, responses given, score, results data, access and activity data. As the TestReach application has an automatic video buffering, the candidate taking an exam is viewed via video, audio and remote screenshare, and a temporary recording (deleted within 24 hours) is taken of the session. Data collected during the invigilation service carried out by TestReach is stored within AWS (Amazon Web Services) and either: (1) it is written to a database (Mongo DB) – this is typically answers to questions, first name, last name, as a record of the actual exam or (2) it is written to various transaction log files – this is typically transaction information, such as when they logged in, when they logged out, when they navigated to a new question, etc. to ensure robust experience (transactions are

logged in various places to ensure the integrity of the data, to allow it to be fully recovered if something happens, for audit-trailing purposes, and to assist with trouble-shooting).

Candidates may spontaneously reveal further types of data not enumerated in the Data Protection Notice. However, HaDEA does not actively request or collect data other than what is listed in the Data Protection Notice.

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

- Authorised staff in charge of selections and recruitment from HaDEA People Sector (HR);
- Members of the Selection Committee;
- Authorised staff of the competent HaDEA Financial support and control Unit (for the purpose of reimbursement of travel costs related to medical exams);
- Authority empowered to conclude contracts of employment in HaDEA;
- The Executive Agencies according to the MoU for the sharing of reserve lists;
- Authorised staff of DG HR of the European Commission;
- Authorised staff of EPSO as regards the results of CAST tests;
- TestReach authorised staff (as regards the written tests for temporary agent positions).
- European Commission Directorate General for Human Resources and Security, Unit B.1 (as regards the personal data on your application and CV).

Also, if need be, access will be given to:

- HaDEA's Data Protection Officer, authorised staff from the Legal Affairs Sector in case of relevant proceedings;
- In addition, personal data may be shared with and processed by the bodies charged with a monitoring or inspection task in application of Union law in compliance with the applicable data protection rules and within the scope of their tasks entrusted by the relevant legislation. This includes, in particular, the following recipients:
  - Bodies in charge of a monitoring or an inspection task in application of Union law (e.g. Internal audit service (IAS), Court of Auditors, etc.);
  - The European Court of Justice or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure;
  - OLAF in case of an investigation conducted in application of Regulation (EC) No 1073/1999;
  - The European Ombudsman within the scope of the tasks entrusted to it by Article 228 of the Treaty on the Functioning of the European Union;
  - The European Data Protection Supervisor in accordance with Article 58 of Regulation (EC) 2018/1725;
  - The European Public Prosecutor's Office within the scope of Article 4 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office.

Your personal data **will not be transferred** to third countries or international organisations.

The processing of your data will **not include automated decision-making** (such as profiling).

**We obtain the data**, directly submitted by applicants, either from:

- SYSPER, for applications of HaDEA staff members for Internal Publications;
- The CAST database managed by EPSO, for Contract Agent applications;

- The Functional Mailbox (FMB) [HADEA-TALENT-SELECTION@ec.europa.eu](mailto:HADEA-TALENT-SELECTION@ec.europa.eu);
- The EU CV online database used for applications for vacancy notices;
- For spontaneous applications, from the applicants or from HaDEA Talent Selection Functional mailbox;
- In the context of the invigilation service, also from the computer used by candidates via the TestReach Desktop App.

## **Which is the legal basis for processing your personal data?**

**The legal basis** for the processing activities is:

Article 5.1 (a) of Regulation (EU) 2018/1725 because 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 Union institution or body).

More specifically, the processing of personal data is necessary for the management and functioning of the Union Institutions or bodies (Recital 22 of Regulation (EU) 2018/1725).

To the extent that processing of personal data is based on your consent, such processing is lawful also under point (d) of Article 5(1) of the Regulation (EU) 2018/1725.

Furthermore, when it comes to the processing of special categories of personal data, the processing operation is lawful under Article 10(2)(a) of the Regulation (EU) 2018/1725 provided data subjects have given prior explicit consent.

Specifically, for reserve lists established before the MoU between the Executive Agencies on the sharing of reserve lists, explicit consent from data subjects will be requested for inclusion in the common repository. The consent will be requested and collected by the data controller via an exchange of emails. In case where the data subject does not consent, or does not reply, their personal data will not be shared with other Executive Agencies.

For selection procedures launched after that MoU, data subjects are informed of the processing operation in the vacancy notice. They will then have the opportunity to inform HaDEA if they wish to opt out of their data being shared among the Executive Agencies.

## **How long do we keep your personal data?**

**Your personal data** will be kept according to the following time limits of storing data, in line with the Common Retention List of the Commission:

- Should the candidate be recruited, then their personal data will be retained for 8 years after the extinction of all rights of the person concerned and of any dependants, and for at least 100 years after the recruitment of the person.
- File on each candidate for a contract staff post (application letter, exams, etc.) or a temporary staff post eliminated during the procedure will be kept for a period of maximum 5 years;
- File on each candidate entered on a reserve list will be kept for a period of maximum 2 years after the expiration of the reserve list;
- As regards spontaneous applications, they will be deleted upon reception;
- Personal data on reserve lists will be shared among the Executive Agencies until the date of expiration of the specific reserve list;

- Personal data will be kept by TestReach for a maximum period of 6 months from the exam day. The video, audio and remote screenshare recording taken during an exam session will be deleted within 24 hours after the given exam. The rest of data will be anonymised after 6 months.

### **What are your rights regarding your personal data?**

**You have the right** to access your personal data and to request your personal data to be rectified, if the data is inaccurate or incomplete; where applicable, you have the right to request a restriction of or to object to processing, to request a copy or erasure of your personal data held by the data controller. If processing is based on your consent, you have the right to withdraw your consent at any time, without affecting the lawfulness of the processing based on your consent before its withdrawal.

Your request to exercise one of the above rights will be dealt with without undue delay and within **one month**.

Article 25 of the data protection regulation provides that, in matters relating to the operation of EU institutions and bodies, the latter can restrict certain rights of individuals in exceptional circumstances and with safeguards laid down in that Regulation. Such restrictions are provided for in the internal rules adopted by HaDEA and published on the official Journal of the European Union (OJ, L 379, 26 October 2021).

If you have **any queries** concerning the processing of your personal data, you may address them to the Head of Unit C.3 (entity acting as Data Controller) via [HADEA-TALENT-SELECTION@ec.europa.eu](mailto:HADEA-TALENT-SELECTION@ec.europa.eu) or to HaDEA Data Protection Officer at [HADEA-DPO@ec.europa.eu](mailto:HADEA-DPO@ec.europa.eu). You shall have right of recourse at any time the European Data Protection Supervisor at <https://edps.europa.eu>.

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