

**RECORD OF PROCESSING ACTIVITY
ACCORDING TO ARTICLE 31 REGULATION 2018/1725¹
NOTIFICATION TO THE DATA PROTECTION OFFICER**

NAME OF PROCESSING OPERATION²: FRA internal and external selection procedures

DPR-2018-040 (to be completed by the DPO)
Creation date of this record: 21/12/2018
Last update of this record: 15/06/2023
Version: 4

1) Controller(s)³ of data processing operation (Article 31.1(a))
Controller: European Union Agency for Fundamental Rights (FRA) Schwarzenbergplatz 11, A-1040 Vienna, Austria Telephone: +43 1 580 30 – 0 Email: contact@fra.europa.eu Organisational unit responsible⁴ for the processing activity: Corporate Services Unit Contact details: recruitment@fra.europa.eu Data Protection Officer (DPO): dpo@fra.europa.eu

2) Who is actually conducting the processing? (Article 31.1(a))⁵
The data is processed by the FRA itself <input checked="" type="checkbox"/>
The data is processed also by a third party (contractor): Kioskemploi will provide the e-recruitment application, Gestmax, to FRA under a licence agreement: Gestmax - Recruitment software - Kioskemploi . Kioskemploi is not involved in any stage of the

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>

² **Personal data** is any information relating to an identified or identifiable natural person, i.e. someone 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. This information may, for example, be the name, date of birth, a telephone number, biometric data, medical data, a picture, professional details, etc.

Processing means any operation or set of operations which is performed on 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.

³ In case of more than one controller (e.g. joint FRA research), all controllers need to be listed here

⁴ This is the unit that decides that the processing takes place and why.

⁵ Is the FRA itself conducting the processing? Or has a provider been contracted?

recruitment process but the application data submitted via Gestmax is stored on Kioskemploi servers, located in France.

For middle management (Head of Unit) selections, the selection procedure contains an additional test phase in the form of an assessment centre, which is carried out by a third party on the basis of a framework contract. The contractor has access to the applications of the shortlisted candidates and processes the data related to their performance in the assessment centre in order to produce the assessment report on their suitability. Data subjects will be provided details of the relevant contractor at the time of the assessment.

3) Purpose of the processing (Article 31.1(b))

Why are the personal data being processed? Please provide a very concise description of what you intend to achieve with the processing operation. Specify the rationale and underlying reason for the processing and describe the individual steps used for the processing. If you do this on a specific legal basis, mention it as well (e.g. staff regulations for selection procedures).

Personal data will be processed solely for supporting FRA's recruitment processes in compliance with EB Decision 2015/01 on the engagement and use of temporary staff, EB Decision 2019/03 on the employment of contract staff, EB Decision 2018/05 on the adoption of implementing rules concerning middle management, MB Decision 2017/01 regarding Seconded National Experts and the applicable rules governing the FRA traineeship programme.

The purpose of the processing of the personal data is to organise selection procedures to recruit different categories of staff; to manage applications at the various stages of these selections; to maintain and follow-up on the use of reserve lists.

For the recruitment process, FRA will use an e-recruitment software, Gestmax, which supports FRA's recruitment processes by providing a centralised recruitment management system that improves the efficiency of recruitment procedures by automating some elements of the process and reducing the use of paper documents.

Gestmax also provides a more sophisticated tool for applicants to create and submit applications and follow-up on the status of their applications.

To apply for a position, applicants create a secure account in the Gestmax system with a password and then complete their personal profile, including education and career history and a statement of motivation. They can then submit their application to a specific, open vacancy advertised on the FRA website (FRA does not accept speculative applications; however, candidates may choose to receive email alerts of vacancies published by FRA. The email confirming the registration for email alerts contains an unsubscribe link).

Within FRA, only designated Corporate Services staff, on a need-to-know basis, have access to all the data in the Gestmax system. The members of the Selection Committee appointed for the specific selection and recruitment procedure have limited access to

view the applications, via secure, password-protected access (linked to the FRA user account).

Selection procedures may include both online and in person elements. Where written tests are conducted online, candidates will be monitored for the duration of the test (video and microphone) by a FRA staff member to ensure fairness of the procedure and to avoid cheating. No video or audio recording will be made or stored after the end of the test. Where interviews are conducted online, this will be done via videoconference and similarly, no video or audio recording will be made or retained after the end of the interview.

4) Description of the categories of data subjects (Article 31.1(c))

Whose personal data are being processed?

FRA staff: applicants to internal selection procedures

Non-FRA staff: applicants to publicly advertised selection procedures

Data subjects are applicants to FRA internal and external selection procedures (TA, CA, SNE, traineeship).

Data subjects are also selection committee members appointed by the AACC. The data processed regarding selection committee members includes their name and position and a signature on the relevant declaration forms.

5) Categories of personal data processed (Article 31.1(c))

Please tick all that apply and give details where appropriate. Include information if automated decision making takes place, evaluation and monitoring

I. Personal data of applicants processed for the purpose of carrying out the selection procedure

(a) General personal data

Personal details: name, surname, date of birth, gender, country(ies) of nationality⁶

Contact details: email address, postal address, telephone number

Education & Training details: details of education (and for candidates placed on the reserve list, a copy of the relevant diplomas to prove eligibility), knowledge of languages, information on relevant training

Employment details: details of professional experience (name of organisation, place, dates of employment, description of duties. Additionally, for candidates placed on the reserve list, copies of employment certificates or other forms of proof of employment)

⁶ Data related to gender and nationality might be processed, not only for identification purposes, but in order to ensure proper geographical and gender balance among the agency's staff and for statistical reporting.

will be requested to be provided via email and/or in hard copy (not through Gestmax)).
For selected candidates: contact details of professional references.

Financial details: financial identification form, bank account information for candidates claiming reimbursement of travel expenses to attend the selection procedure and for recruited candidates

Family, lifestyle and social circumstances

Goods or services provided

Other: Evaluation assessments and scores. For middle management positions, the assessment centre report

Cookies: the Gestmax application uses 2 functional cookies hosted by Kioskemploi, the company providing the Gestmax software under licence. One is a session cookie called PHPSESSID that is deleted once the user closes the browser. The other one is an authentication cookie, which is used to maintain applicant's verified status and which stores information for 30 days. IP addresses are not collected/stored.

(b) Special categories of personal data (Article 10)

Racial or ethnic origin

The picture in the ID or passport might reveal the racial or ethnic origin of the candidates. Racial or ethnic origin might also be revealed by the video image of the interview carried out online. In the case of recruitment for traineeships, candidates also have the option to disclose if they belong to the Roma community, with the purpose of benefiting from the specific selection criteria applicable to candidates from a Roma background. Candidates are advised that such disclosure is entirely voluntary.

Genetic, biometric or data concerning health

Data concerning health is collected for recruited candidates, as they need to provide a fitness for work certificate; however, the certificate provided on a need-to-know basis to FRA Corporate Services, does not contain medical details. Candidates have the option to voluntarily disclose if they have a disability at the moment of application. Additional information relating to special requirements resulting from their disability may be provided at the discretion of the candidate if they request measures to be taken by FRA within the framework of reasonable accommodation to ensure their full participation in the selection procedure. Where a medical certificate confirming the disability is required (e.g. to benefit from the traineeship grant supplement), this is provided by the candidate directly to the FRA Medical Advisor and is not shared with Corporate Services.

In addition, the following sensitive data might be revealed unintentionally by applicants when completing their applications (for example in the motivation statement):

Political opinions

Religious or philosophical beliefs

Trade union membership

Information regarding an individual's sex life or sexual orientation

(c) Personal data relating to criminal convictions and offences (Article 11)

Document confirming absence of a criminal record (in countries where such document does not exist, this may be substituted by a certificate of good conduct): for recruited candidates only (checked visually but not stored)

Following the selection procedure, recruited candidates will be required to provide additional documents and personal data to identify and process their rights and obligations. These data are processed after conclusion of the selection procedure and are covered by the record on personal files.

II. Personal data of the Selection Committee members processed for the purpose of carrying out the selection procedure

(a) General personal data

Personal details: name, surname

Contact details: email address, telephone number

Employment details: name of the current employer (FRA or in case of external selection board members, their appointment is a result of a request from FRA to the employer to nominate a member)

Financial details: financial identification form, bank account information for members claiming reimbursement of travel expenses to attend the meetings in Vienna

Family, lifestyle and social circumstances may be revealed on the declaration of (absence of) conflict of interest if the selection committee member is required to disclose a familial or personal connection with an applicant that may impair their independence

6) Recipient(s) of the data (Article 31.1 (d))⁷

*Recipients are all parties who have access to the personal data. Who will have access to the data **within** FRA? Who will have access to the data **outside** FRA? No need to mention entities that may have access in the course of a particular investigation (e.g. OLAF, EO, EDPS).*

Designated **FRA** staff members

During the selection process, a restricted number of staff members involved in handling the selection procedure can access the personal data via restricted access linked to the individual user login to Gestmax and the FRA DMS. This includes designated staff in Corporate Services, on a need-to-know basis, who are administering the procedure, the

⁷ No need to mention entities that may have access in the course of a particular investigation (e.g. OLAF, EO, EDPS).

persons appointed by the Director as members of the Selection Committee for the specific selection procedure (for trainees, the designated supervisors who participate in the selection of trainees) and the Head of Unit Corporate Services, who have access to the applications submitted via Gestmax as well as the minutes of the selection procedures, which are stored in a private DMS site with limited access and in the hard copy file stored in a locked safe).

In addition, persons appointed as monitoring officers in case of online tests have access to contact details only, for the purpose of scheduling the Teams call. IT staff members with administration rights for relevant IT tools have access in those tools. The Head of the recruiting unit and the Director, who makes the final decision on recruitment, have access to the applications of candidates proposed for the reserve list.

For the reimbursement of travel costs, a restricted number of FRA staff in Finance have access to the data for the purposes of processing the reimbursement requests.

Designated persons **outside** FRA: (please specify)



For all selection procedures:

Designated personnel at Kioskemploi (the company providing Gestmax) has access to data stored in Gestmax as administrators of the tool, for technical purposes.

For reimbursement of the travel costs, a restricted number of staff members from the Directorate-General for Budget (DG BUDG) at the European Commission have access to the LE and BA forms in order to register them in [ABAC](#).

For recruited candidates for staff positions (TA and CA), the FRA Medical Advisor receives the results of the pre-employment medical exams in order to issue a fit for work certificate to FRA (this certificate does not contain medical details). The medical examination results are sent to a designated mailbox accessible only to the FRA Medical Advisor and their assistant doctor and are not accessible by FRA staff. The FRA Medical Advisor is subject to the data protection and confidentiality provisions stipulated in the contract for services.

For middle management positions:

Shortlisted candidates are required to undertake an assessment centre with an external provider with which FRA has concluded a specific contract. The candidates' application forms and contact details are shared with the assessment centre company for the purpose of carrying out the assessment.

7) Transfers to third countries or recipients outside the EEA (Article 31.1 (e))⁸

If the personal data are transferred outside the European Economic Area, this needs to be specifically mentioned, since it increases the risks of the processing operation.

⁸ **Processor** in a third country using standard contractual clauses, a third-country public authority you cooperate with based on a treaty. If needed, consult your DPO for more information on how to ensure safeguards.

Data are transferred to third country recipients:

Yes

No

8) Retention time (Article 4(e))

How long will the data be retained and what is the justification for the retention period? Please indicate the starting point and differentiate between categories of persons or data where needed (e.g. in selection procedures candidates who made it onto the reserve list vs. those who didn't). Are the data limited according to the adage "as long as necessary, as short as possible"?

In defining the retention of documents, FRA follows the common Commission-level retention list (CRL) of the European Commission, and the rules and guidelines on data protection and retention. The common retention list is a regulatory instrument that sets the retention period for the different types of FRA files.

- Files documenting the organisation of selection procedures - 5 years:
Notices of competition, compositions of the selection committee, letter appointing the selection committee, declarations of confidentiality of selection committee members, invitations to meetings, minutes, lists of exam centres, compositions of supervision teams and instructions given, evaluation sheets, written tests of candidates, instructions for the selection committee, minutes and references to disputes. This excludes the application files.

- Application files on candidates for posts of contract or temporary staff or seconded national experts and for trainee applicants (not recruited) - 2 years after expiry of the reserve list

Data stored in the profile of each candidate in the e-recruitment tool (Gestmax) will be deleted automatically after the expiry of this retention period.

- Files on candidates recruited by the agency
The information related to recruited applicants is stored in their personal file in accordance with the retention policy for personal files.

Additionally, personal data included in the budgetary related documents is kept in ABAC and the financial DMS for a period of 7 years for budgetary and audit purposes.

9) Technical and organisational security measures (Article 31.1(g))

Please specify where/how the data are stored during and after the processing; please describe the security measures taken by FRA or by the contractor

How is the data stored?

FRA network shared drive

FRA DMS	<input checked="" type="checkbox"/>
Outlook Folder(s)	<input checked="" type="checkbox"/>
CRM	<input type="checkbox"/>
Hardcopy file (in locked safes)	<input checked="" type="checkbox"/>
Cloud (MS 365, see record here)	<input checked="" type="checkbox"/>
Servers of external provider	<input checked="" type="checkbox"/>
Other (please specify): The data in Gestmax is stored within the EU (France) by Kioskemploi, which has relevant data security and privacy policies in place to comply with the GDPR. The datacenter, which is access-restricted and supervised 24/7 (personnel and videomonitoring) has ISO 27001 and 14001 certifications and a security attestation by Cyberprotect.	

10) Exercising the rights of the data subject (Article 14 (2))

How can people contact you if they want to know what you have about them, want to correct or delete the data, have it blocked or oppose to the processing? How will you react?

See further details in the Data Protection notice: e-mail to recruitment@fra.europa.eu

Data subject rights

- Right of access
- Right to rectification
- Right to erasure (right to be forgotten)
- Right to restriction of processing
- Right to data portability
- Right to object
- Notification obligation regarding rectification or erasure of personal data or restriction of processing
- Right to have recourse
- Right to withdraw consent at any time

Part 2 – Compliance check and risk screening (internal)