

PRIVACY STATEMENT

for processing of personal data in the context of recruitment of statutory staff at the BEREC Office

The **Agency for Support for BEREC** (BEREC Office) processes the personal data of a natural person 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 the BEREC Office policies and practices regarding the collection and use of your personal data, and sets forth your privacy rights. We recognise that information privacy is an ongoing responsibility, and we will update this notice where necessary.

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

The purpose of the processing operation is to recruit statutory staff (temporary and contract agents) for the BEREC Office.

The processing operation is necessary for the performance of BEREC Office tasks carried out in the public interest, for compliance with a legal obligation to which the controller is subject and the data subject has given consent to the processing of his or her personal data. Therefore, the processing is lawful according to Article 5(a), 5(b) and Article 5(d) of [Regulation 2018/1725](#).

The legal bases of the processing operation 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 16 (1) (k) and (2) and Article 30 – for all staff and additionally – Article 32 and Article 42 - for the Director).
- [The Staff Regulations](#) of Officials of the European Communities (and particularly Articles 11-34) and the Conditions of employment of other servants of the European Communities (CEOS), laid down by Regulation (EEC, Euratom, ECSC) No 259/68 of the Council, as amended (and particularly, Articles 10, 12, 13, 53 and 56 - for temporary agents and Articles 82 – 84).

- [Decision MC/2015/3](#) of the BEREC Office Management Committee laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the CEOS.
- [Decision MB/2019/10](#) of the BEREC Office Management Board on the general provisions for implementing Article 79(2) of the CEOS, governing the conditions of employment of contract staff employed under the terms of Article 3a thereof.
- [Decision MB/2019/05](#) of the BEREC Office Management Board on middle management staff¹.

2. What personal data is collected and processed?

We process the data contained in the recruitment documents of every person who is recruited for a position of temporary agent or contract agent.

Namely:

- Original documents provided by the candidate to support the information given during the selection:
 - data concerning the identity of the person concerned, his/her relevant diploma's, his/her career, etc.;
 - his/her children, spouse's and the person's contact details. The documents concerning third parties are requested to determine the allowances to be granted.
- Criminal record;
- The health fitness certificate following the medical examination undergone by the candidate at the medical service of the European Commission (EC);
- Information provided by the candidate to support claims for the reimbursement of travel costs for 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;
- Information needs for obtaining security clearance – for specific job profiles.
- Signature when requested within the concerned form (e.g. conflict of interest form, declaration of commitment)

¹ <https://bereg.europa.eu/en/document-categories/bereg-office/decisions-of-the-management-board/decision-of-the-management-board-of-the-agency-for-support-for-bereg-on-middle-management-staff>

- Information related the absence or presence of any direct or indirect interests (provided in a Conflict of interest form).

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

Data relating to recruitment are accessible to:

- i. The HR professionals in charge of the recruitment procedure and responsible of processing the files and other staff members with the need to know, for example: line manager or team leader;
- ii. The Authority Authorized to Conclude the Contracts of Employment (AACC):
 - the Management Board – for the Director
 - the Director - for all other staff
 - the EC Office for the Administration and Payment of Individual Entitlements (PMO) - to provide the BEREK Office with services according powers sub-delegated by the Director to the PMO defined in the SLA, which includes establishment of rights and entitlements of staff, calculations and payments related to:
 - Sickness, accidents, occupational disease;
 - Unemployment;
 - Pensions, invalidity allowances, transfers, severance grants;
 - Determination of individual entitlements, including allowances and reimbursements;
 - Determination of mission expenses.
- iii. General public – for the personal data contained in the declaration of interest and declaration of commitment of the Director is made publicly available on the BEREK website in accordance with the requirements of Article 42 (1) of the BEREK Office Founding Regulation.

In accordance with SLA BEREK/23/103 signed with BEREK Office on 26/09/2023, PMO acts as a separate Controller for the purpose of determining, calculating and paying out individual entitlements of BEREK Office staff members. Relevant Record and Privacy Statement are publicly available on the European Commission website under the EC DPO Register. See [here](#)

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. How long are your personal data kept?

We keep data related to recruitment in line with the Common EC retention list for EC files ([SEC\(2019\)900 /2](#)):

- 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 financial data related to the reimbursement of the pre-recruitment is kept for a period of 5 (five) years following the year of the obtaining the discharge on spending the budget of the year during which the payment was made, as required by the Financial Regulation.

5. 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 have the right to withdraw your consent to the processing of your personal data.

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

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.

6. 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: personnel@berec.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@berec.europa.eu) or with the European Data Protection Supervisor: edps@edps.europa.eu

