
Privacy statement on processing personal data within the framework of pre-selection, selection and recruitment procedures at the EUIPO — officials, temporary agents, contract agents

Protecting your privacy is of the utmost importance to the European Union Intellectual Property Office ('EUIPO' or 'us' or 'the controller'). The Office is committed to respecting and protecting your personal data and ensuring your rights as a data subject. All data of a personal nature that identifies you directly or indirectly will be handled fairly, lawfully and with due care.

This processing operation is subject to 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.

The information in this communication is given pursuant to Articles 15 and 16 of Regulation (EU) 2018/1725.

1. What is the nature and purpose of the processing operation?

Processing personal data is necessary to organise selection procedures and recruitment for:

- statutory staff (officials, temporary agents and contract agents);
- statutory staff for middle management positions (officials, temporary agents);

The EUIPO processes personal data to select personnel with a view to their recruitment (e.g. inter-institutional or inter-agency mobility, CAST permanent) and/or to establish reserve lists of suitable candidates (e.g. external procedure). In some cases, EPSO assists the European institutions and other EU bodies and agencies with the selection of statutory staff.

Data processing starts from the moment a candidate submits an application/registers in a database or, regarding candidates on a reserve list, when they confirm their interest in the recruitment process.

Candidates will provide the Office with data on their identity and qualifications due to the nature of the selection/recruitment process.

The Office may engage a member of temporary staff ⁽¹⁾ at grades AD 9, AD 10, AD 11 or, on an exceptional basis, at grade AD 12 ⁽²⁾. These engagements will be exceptional and justified by the Office in a central record kept by the Human Resources Department (HRD) in which personal data will be stored.

An external provider ⁽³⁾ will assist the Office on the assessment of the candidates competencies /skills to fulfil the functions of management.

For contract agents, the Office makes use of the EPSO CAST permanent database in order to recruit contract agents or to give them the opportunity to advance to a higher function group.

⁽¹⁾ Article 2 (f) of the Conditions of Employment of other Servants of the European Union (CEOS).

⁽²⁾ Article 53 of the CEOS and Article 3(4) of the Annex of Decision No MB-16-16 of 31 May 2016.

⁽³⁾ Consultancy firm providing technical assistance and support by developing and conducting an assessment centre for managerial positions.

Data is processed in two main phases:

Selection phase

- For officials, temporary and contract agents, data submitted by candidates by means of the application or registration in the CAST permanent database will be processed to evaluate their eligibility, expertise and overall profile for a selection procedure. This evaluation is based on elements provided by the candidate in his or her CV and possibly by a motivation letter, as well as information introduced by candidates in their online account and online application (Office website/EPSO website ⁽⁴⁾).
- For contract agents, pre-selection of candidate(s) from the EPSO CAST permanent database and EPSO tests: candidates from EPSO lists whose professional experience/profile complies with the Office contract agent vacancies may be preselected by the Office to undergo the required EPSO tests. Candidates who have successfully passed the EPSO tests as a result of the preselection mentioned above, are contacted via email by the Office to inform them about the vacancy and invite them to “apply” by creating an account in the EUIPO e-recruiting tool, if they have not already done so.

During the interview phase, candidates will be requested to support the application with documents proving the statements made in their CV and compliance with the criteria established in the vacancy notice.

Written tests might be proctored via specific tools in the event of online tests. In such a case, candidates will receive a specific privacy statement together with the invitation to interview.

Recruitment phase

If a candidate is successfully recruited, processing personal data is necessary to support the Appointing Authority (AA)/ Authority Authorised to Conclude Contracts of Employment (AACC) when taking decisions about the candidate’s aptitude to work at the Office, prepare the relevant contracts of employment, determine individual entitlements and create the new staff member’s personal file. The personal file of agency staff (interims) will be created by their direct employer (framework contract between the EUIPO and a temporary employment agency).

Use of cookies

Three cookies allow the session access control, thus are required and can't be disabled. The cookies do not trace any activity or data and have no analytical neither marketing purpose:

NAME	PURPOSE	DURATION
Route	A standard cookie used for session stickiness between the organisation's public career site generated by Career Site Builder, and pages generated by SAP SuccessFactors Recruiting, such as Candidate Profile.	Browser session
careerSiteCompanyld	Used by Akamai to send the request to the correct data center.	Browser session
JSESSIONID	One or more cookies with this format may be deployed. They maintain a secure session for you, during your visit.	Browser session

2. What personal data do we process?

The categories/types of personal data processed are the following:

(4) https://europa.eu/epso/application/passport/index.cfm?action=pdplegal&sb=1&lang=en&comp_id.

Selection phase: name, surname, address, email address, phone number, gender, nationality (proof of national identity card), date of birth, as well as data regarding professional experience and working periods including in other Institutions /Agencies, education, language and skills as well as statutory link, function group and grade in case of candidates applying for inter-agency and inter-institutional procedures. This information is completed by a CV, candidate profile information and a motivation letter, which are uploaded by candidates in their online account. The Office may request invited candidates to upload a recent photo in SuccessFactors prior to any interview/test, however adding a photo is entirely voluntary.

Candidates are requested to provide at least two names and phone numbers of previous and/or current (if candidates wish so) employers in their CV as the Office carries out reference checks as part of the selection process ⁽⁵⁾.

Further personal data processed during the selection phase will be the results of the candidate's performance during the written and oral tests and the results of the assessment centre in the case of procedures organised to select middle managers.

Interviews and written tests may take place either in presence or remotely via an online platform ⁽⁶⁾. In the latter case, candidates are requested to show the room environment and a clean desk for the purposes of ensuring the absence of material not allowed or, else, certify the absence of other persons providing assistance to the candidate. Candidates may be asked also to share their screen during the execution of the written test in order to ensure that only permitted sources of information are consulted online. No recording of images and videos are made and, together with the invitation, candidates receive appropriate guidelines on how the online assessment is to be conducted.

In the event of an incident during the online assessment, additional personal data may be collected in the form of a report detailing the incidents detected.

Data processed by the external provider assisting the Office on the selection of candidates for middle management positions:

- Data which are part of the application (CV), including data allowing the identification of the candidate (e.g. family name, first name, date of birth, gender, nationality, number and validity date of identification document, address, email address, phone number, EUIPO employee number).
- Information provided by the candidate concerning special needs.
- Results of the assessment centre (feedback on the competencies tested in the assessment centre).

Recruitment phase: when relevant ⁽⁷⁾ reference check of selected candidates, availability to take up duties at the Office, medical aptitude of the candidate to perform the work at the Office (only mention 'apt'/'not apt') ⁽⁸⁾, extract from the national police or criminal record/certificate of good conduct, proof of education and professional experience (originals need to be presented and certified copies are kept in the personal file of the person concerned), working periods in other Institutions/Agencies (including the function group, grade, step and seniority), name of persons to be informed in the event of accident including their contact data, as well as any requested document necessary to establish the classification in grade, the step, the seniority date and individual entitlements of the person concerned according to the Staff Regulations (SR) and Conditions of Employment of Other Servants of the European Union (CEOS).

⁽⁵⁾ In line with the Office's recruitment policy, standard reference checks will be carried out prior to any eventual job offer. These reference checks may include any professional assignment you have had in the past, but exclude current employment.

⁽⁶⁾ The name of the platform, further information concerning the platform and a link to the Specific Privacy Statement on the processing of personal data in this platform is provided together with the invitation to the interview and/or test.

⁽⁷⁾ Not applicable for candidates whose documents/information are already in the possession of the Office (as officials, temporary or contract agents).

⁽⁸⁾ Medical data is kept only by the EUIPO's medical service.

Central record registering the engagement of temporary staff ⁽⁹⁾ at grades AD 9 to AD 12:

Vacancy notice reference and year of publication, legal basis and justification, full name of the person concerned recruited from the reserve list and comments if necessary (i.e. availability, start date).

3. Who is responsible for processing the data?

Personal data processing is the responsibility of the Director of the Human Resources Department, acting as the delegated EUIPO data controller.

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

Candidates' data is disclosed to HRD staff working in selection/recruitment procedures ⁽¹⁰⁾, the Department/Service line managers concerned and staff authorised by them, as well as Selection Committee members. For middle management positions, data is also disclosed to the Executive Director and the two accompanying members for the interview.

Names and roles of Selection Committee members for temporary agents selection procedures are published on the website of the Office.

Names and roles of Selection Committee members for contract agents selection procedures are communicated to pre-selected candidates for interviews via the invitation letters.

It should also be noted that processing on behalf of the controller, with due respect of Article 29 of Regulation (EU) 2018/1725, will also need to be done by external providers.

The EUIPO's reserve lists and expiry dates are published on the Office's website. Currently only the reserve list for officials, published by EPSO, includes the names of the successful candidates who gave prior consent. Reserve lists may be shared with other EU agencies, upon request and after having received the candidates' agreement. Reserve lists are also disclosed to the Executive Director, the Cabinet, the staff members in the Cabinet in charge of HR and the Presidency.

If a candidate is successfully recruited, the relevant data is disclosed on a need-to-know basis, to AA/AACC, the Staffing and Working Conditions Service (HRD) to establish individual rights, the Office's Departments/Services (management and authorised persons for information and logistical purposes ⁽¹¹⁾, the Finance Department and the Paymaster Office (PMO) for payments and to the Communication Service (CS) to update the staff directory ⁽¹²⁾.

Data kept on the central record is accessible to the AACC, the management and authorised staff of HRD, as well as to the Selection Committee for the part of the central record related to the selection procedure of which it is in charge.

In the event of a complaint, the candidate's data as well as the data kept in the central record may be disclosed to HRD Legal Team, the Legal Advice and Statutory Matters Service and, where applicable, to external lawyers involved in the (pre) litigation procedure.

⁽⁹⁾ Article 2 (f) of the CEOS.

⁽¹⁰⁾ On a need-to-know basis, agency staff, trainees and SNE's working with HRD statutory staff, can be granted access to personal data, including for the invigilation of candidates during the online written test.

⁽¹¹⁾ Security/Parking/Catering/Office material.

⁽¹²⁾ The photo taken by the Security Service (Infrastructure and Buildings Department) for the service card of newly recruited staff will be disclosed to HRD (SAP SuccessFactors – employees' file) and to the Communication Service to be uploaded to the staff directory published on Insite. Data subjects will have the possibility to give/or withdraw consent to the publication of their photo on Insite.

5. How do we protect and safeguard your information?

Candidates' personal data is stored and processed in Sharedox and in HR's SAP SuccessFactors in the cloud. Online platforms may be used when online interviews and/or written tests take place.

Newly recruited statutory staff will be requested to upload the documents required to create their personal file in SAP SuccessFactors (onboarding module). Data kept in the staff member's personal file is stored in OpenText tool (personal file repository) kept in the Office's servers and accessible through SAP SuccessFactors.

Data stored in SAP SuccessFactors may be transferred to external contractors/subcontractors. They receive and process the data in the context of the contract with the EUIPO for the maintenance and development of the application supporting SAP SuccessFactors systems and integrations with SAP BPC, Business Object systems, with Insite and AEOS.

Regarding SAP SuccessFactors, data is stored in the cloud in servers in SAP Germany and SAP Holland data centers. External contractors/subcontractors may receive and process the data in the context of the contract with the EUIPO for the maintenance and development of the applications supporting SAP SuccessFactors and integrations of SuccessFactors with Remedy and Insite.

The Office is using Amazon Web Cloud Services for the storage of your personal data. All personal data is stored in the EU territory.

Personal data in the course of the online assessment of candidates is processed via the online platform selected for that purpose. The platform is configured to safeguard and protect personal data from accidental or unlawful destruction, loss, alteration, unauthorised disclosure, or access.¹³ Microsoft Datacentres are certified in several security standards, most notable ISO 27001, SOC 1 and SOC 2, NIST Cybersecurity Framework (CSF), ISO 27017 and ISO 27018 Code of Practice for Protecting Personal Data in the Cloud.

Personal data processed by the assessment centre external provider is stored in secure servers according to guidelines promulgated by international organization for standardization (ISO) and national institute of standards and technology (NIST). The contractor is certified by a third party in charge of audits regarding the compliance with new data protection rules.

Personal data is not intended to be transferred to a third country.

Candidate's personal data is stored and processed according to the security standards of the Office as well as in specific electronic folders accessible only to the authorised recipients.

The HR database is password-protected under a single sign-on system and connected automatically to the user's ID and general password. Replacing users is strictly prohibited. E-records are held securely to safeguard the confidentiality and privacy of the data therein.

The Information Security policy of the EUIPO is based on the ISO 27001 standard, which is considered the most comprehensive and accredited in its category. SAP SuccessFactors is also certified in ISO 27001.

6. How can you access your personal information and, if necessary, correct it? How can you receive your data? How can you request that your personal data be erased, or restrict or object to its processing?

You have the right to access, rectify, erase and receive your personal data, as well as restrict its processing or object to the same, as provided in Articles 17 to 24 of Regulation (EU) 2018/1725.

⁽¹³⁾ Please refer to the relevant Specific Privacy Statement of the online platform used. In the event of an incident during the online assessment, the report detailing the incident will be only disclosed to the responsible Selection Committee and the HRD staff working in selection/recruitment procedures, as specified under point 2.

If you would like to exercise these rights, please send a written query explicitly specifying your request to candidatures.external@euipo.europa.eu, or to the delegated data controller, Director of the HRD at the EUIPO in Alicante, hrddpc@euipo.europa.eu. Candidates can exercise their rights within the limitations of the principle of secrecy of the Selection Committee's proceedings, as set out in Article 6 of Annex III of the [Staff Regulations of Officials of the European Communities \(SR\)](#).

The right of rectification can only apply to inaccurate or incomplete factual data processed within the selection/recruitment procedure. It is not possible to update or rectify data related to eligibility and/or selection criteria after the deadline set by the competition or vacancy notice.

Your request will be answered without undue delay, and in any event within 1 month of receipt of the request. However, according to Article 14(3) of Regulation (EU) 2018/1725, this period may be extended by up to 2 months where necessary, taking into account the complexity and number of requests. The Office will inform you of any such extension within 1 month of receipt of the request, together with the reasons for the delay.

Nevertheless, you should be informed that by virtue of Article 25 of Regulation (EU) 2018/1725 and of the Internal Rules laid down under the Decision of the Management Board of the European Union Intellectual Property Office (EUIPO) of 26 March 2020, one or several of these rights may be restricted for a temporary period of time *inter alia* on the grounds of Article 25.1. (a-i).

Any such restriction will be limited in time, proportionate and respect the essence of the above-mentioned rights. It will be lifted as soon as the circumstances justifying the restriction are no longer applicable. You will receive a more specific data protection notice when this period has passed. As a general rule, you will be informed on the principal reasons for a restriction unless this information would cancel the effect of the restriction as such.

You have the right to make a complaint to the EDPS concerning the scope of the restriction.

7. What is the legal basis for processing your data?

Personal data is processed in accordance with the following Article of Regulation (EU) 2018/1725:

- Article 5.1.(a) — '*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*'.

The personal data is collected and processed in accordance with the following legal instruments:

- Staff Regulations of Officials of the European Union (SR) and the Conditions of Employment for Other Servants of the European Communities (CEOS) ⁽¹⁴⁾;
- EUIPO Decision MB 16-16 of 31/05/2016 on temporary agents;
- Decision MB 19-10 of 25/09/2019 on contract agents;
- EUIPO Decision MB 20-05 of 24/04/2020 (middle management);
- Mobility Guidelines (for temporary agents and officials);
- Guidelines for the use, selection and career development of contract agents at the EUIPO;
- Guidelines on selection procedures for middle management staff;
- Information and Conditions applicable to temporary and contracts agents' selection and recruitment procedures at EUIPO;
- The framework contract under which the Office will be assisted by a consultancy firm in the context of the selection procedures for middle management positions.

8. How long can data be kept?

Personal data will be kept only for the time needed to achieve the purpose(s) for which it is processed.

⁽¹⁴⁾ Council regulation (EEC, Euratom, ECSC) N°259/68 – OJ L - 56, 04.03.1968, P.1)

For Selection Committee members for temporary agents selection procedures, once the selection is concluded and the reserve list established, the Selection Committee names and roles shall be removed from the public domain.

In the event of a formal appeal, all data held at the time of the appeal will be retained until the completion of the appeal process. For Article 90(2) SR complaints and personal data processed in that framework, the retention policy is 15 years.

Officials, temporary agents and contract agents

For successful candidates: data of successful applications is kept in the personal file of the established statutory member of staff, in accordance with Article 26 SR. The personal data from the recruitment file is kept for 8 years after the expiry of all the rights of the person concerned and of any dependents, and for at least 100 years after the date of birth of the person concerned.

For unsuccessful candidates: data is kept on file for 2 years after the candidates have been notified that they were unsuccessful.

For statutory staff candidates whose names were placed on a reserve list but who are not offered a job at the EUIPO or who do not take up a job offer: data is kept on file for 2 years after the expiry of the reserve list.

Retention of personal data by the external provider: data is kept no longer than 1 year after having delivered the services.

Spontaneous applications

The Office does not consider any unsolicited applications. Candidates can only apply for a vacancy published through the channels and within the deadlines indicated in the vacancy notice. Spontaneous applications will be deleted no later than 3 months after the date of receipt.

9. Contact information

Should you have any queries on the processing of your personal data, please address them to the delegated data controller, the Director of the Human Resources Department, at: hردادpc@euiپo.europa.eu

You may also consult the EUIPO data protection officer (DPO) at: DataProtectionOfficer@euiپo.europa.eu

Forms of recourse:

If your request has not been responded to adequately by the data controller and/or DPO, you can lodge a complaint with the European Data Protection Supervisor at the following address: edps@edps.europa.eu