

**Specific Data Protection Statement on processing personal
data within the framework of
the organisation of the open competition EUIPO/AD/01/23 for Administrators
in the field of intellectual property at EUIPO**

Protecting your privacy is of the utmost importance to the European Union Intellectual Property Office ('EUIPO' 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 the open competition for Administrators in the field of intellectual property (IP) to constitute a reserve list from which EUIPO will appoint civil servants.

The EUIPO, in cooperation with EPSO, which assists the EU institutions and other EU bodies and agencies with the selection of statutory staff, processes personal data to select candidates in order to establish reserve lists of suitable laureates with a view to their appointment.

The data processing starts from the moment a candidate submits an application until he/she is placed in a reserve list. If applicable, the processing of data continues until all submitted requests for review, administrative complaints filed under Article 90(2) of the Staff Regulations, as well as any appeals and other complaints submitted through the appropriate channels have been resolved.

Candidates provide EPSO and the EUIPO with personal data on their identity, qualifications and professional experience due to the very nature of the selection process.

Data is processed in the following phases:

Application phase

During the application phase, candidates will be requested to fill in and validate an EPSO online application form. To do so, candidates need to have an EPSO account¹ (candidates

¹ Data submitted via the EPSO account is processed in line with EPSO's specific privacy statement on personal data protection within the framework of an open competition:

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

who do not yet have an EPSO account, will need to create one). In addition, candidates will have to upload - to their EPSO account - scanned copies of the documents supporting the declarations made in their application form in order to prove compliance with the requirements established in the Notice of Competition (NoC).

Testing and scoring phase

Candidates who have validated their application form by the deadline indicated in the related Notice of Competition (NoC) will be invited to take an online reasoning test, a field-related MCQ test and a case study.

Ranking of candidates, eligibility check and establishment of the reserve list

The data of those candidates who succeeded in the tests mentioned above will be processed to evaluate their eligibility, expertise and relevance of their profile for the competition. This evaluation is based on declarations made by the candidates in their application form and the documents uploaded by the candidates to their EPSO account to support those declarations.

2. What personal data do we process?

The categories of personal data processed are the following:

Data processed by EUIPO as data controller:

- Application of all the candidates validated on time; the information will be processed in particular to allow practical organisation of the competition (e.g., family name, first name, date of birth, gender, nationality, number and validity date of identification document, e-mail address, address, postcode, city, country, telephone numbers, languages for correspondence, language for tests, photograph).
- Information provided to the Selection Board by the candidates in their EPSO online application form to allow for the verification of the candidate's admissibility against the eligibility conditions fixed by the Notice of Competition (e.g., family name, first name, date of birth, gender, citizenships, language and other relevant skills, diploma/training with year of award, title, name of the awarding body, professional experience).
- Results of the eligibility verification, reasoning test, field related MCQ test and case study, including other data concerning the candidates' skills and competencies.
- Information provided by candidates via EUIPO's functional mailbox as well as if needed, above information available to EUIPO in cases of requests for review of Selection Board decisions or administrative complaints under Article 90(2) of the Staff Regulations, as well as in case of appeals and other complaints submitted through the appropriate channels.

All relevant personal data and information are contained in the EUIPO document management systems.

Data processed by EPSO as data controller:

- All personal data which are part of the EPSO online application form; this includes in particular data allowing identification of the candidate (e.g. family name, first name, date of birth, gender, nationality, number and validity date of identification document, address, e-mail address, phone number).

- Information provided by the candidate to allow practical organisation of the online tests (e.g. address, postcode, city, country, telephone numbers, languages for correspondence, language for tests, photograph).
- Information provided by the candidate concerning special needs.
- Results of the eligibility check, reasoning test, field related MCQ test and case study.
- Information provided by candidates via EPSO's online contact form in cases of technical and organisational issues or complaints about the MCQ test questions (reasoning test, field related MCQ test).

All relevant personal data and information are contained in the EPSO online account, application form, CV if relevant, and supporting documents submitted by the candidates, as well as in the relevant EPSO tools.

3. Who is responsible for processing the data?

EPSO and EUIPO are joint controllers for the competition.

In line with Article 28 of Regulation (EU) 2018/1725, EUIPO and EPSO jointly determine the purposes and means of processing of the personal data.

EPSO acts as data controller regarding all data related to the application process forms and database, the tools used in delivering the tests, the delivering of the tests, as well as the external contractors employed by EPSO for those purposes.

EUIPO acts as data controller for all the subsequent data processing above mentioned related to what concerns the practical organisation of the competition, the work done by the Selection Board as above indicated (verification of admissibility, results...) and possible complaints and/or appeals if applicable.

Personal data processing at the EUIPO is the responsibility of the Director of HRD, acting as the delegated EUIPO data controller.

As regards data processing at EPSO, please refer to the corresponding privacy statement².

Any involved processor shall act on instructions of the respective controller under the terms of Article 29 of the Regulation (EU) 2018/1725 and is submitted to the same obligations of confidentiality and security.

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

Candidates' data are disclosed to a limited number of staff of EUIPO HRD and EPSO staff dealing with the EUIPO's competition, as well as to the Chairperson and Members of the Selection Board and/or to the persons designated by the Appointing Authority as markers for the correction of tests, if applicable.

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

The reserve list resulting from the competition and its validity dates are published in the Official Journal. The reserve list will include the names of the successful laureates who gave prior

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consent to publication. The names of all successful laureates will be available in the EPSO Recruiter Portal accessible to a limited number of EUIPO staff members who will be involved in their recruitment process. All names and, when relevant, the candidates' data will also be disclosed to the EUIPO Appointing Authority. Information may be shared with other EU Institutions and agencies, upon request and after having received the candidates' agreement.

In the event of a complaint, the candidate's data may be disclosed to the HRD authorised staff members as well as to the Legal Service, to the Cabinet and to the Appointing Authority and/or subdelegated authorities. In case of further litigation, it may also be disclosed to external authorised persons involved in the litigation procedure as well as to the EU Court of Justice.

Upon request, the data may also be disclosed to the staff of the European Anti-Fraud Office (OLAF), the Internal Audit Service, the Court of Auditors, EUIPO Data Protection Officer (DPO) and the EDPS. The data disclosed are limited only to what is necessary for legal examinations, official investigations or audit purposes.

Names, grades and roles of the chairperson and selection board members are published on EUIPO and EPSO websites.

The data is not used for any other purposes or disclosed to any other recipients.

5. How do we protect and safeguard your information?

All candidates' data related to the EUIPO competition will be processed and stored by EPSO with the same security standards as those applied for EPSO open competitions as detailed under the EPSO specific privacy statement³.

At EUIPO, candidates' personal data is processed and stored in secure IT applications according to the security standards of the Office, as well as in specific electronic and/or paper folders accessible only to the authorised recipients.

The records are held securely so as 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.

Personal data are not intended to be transferred to a third country. Data will be processed and stored only in EU.

Any communication held between EPSO and EUIPO in the context of this data processing will be done over secure communication channels.

The Chairperson and members of the Selection Board have signed specific undertakings outlining their confidentiality obligations in regard to the data received during this selection procedure.

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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.

By consulting your EPSO account, you can access your personal details. Modification of your personal data such as name, gender, citizenship needs to be requested via the [EPSO online form](#) and must be justified with a copy of an official document.

Until the final validation of your application, you can modify any data in the application form as well as, when applicable, the relevant data which will be accessible to the Selection Board. After validation of your application form, due to the procedure itself, you can only access and receive these data.

If you would like to exercise any of the above rights:

- concerning your EPSO account and data processed by EPSO, please use the [EPSO online form](#);
- concerning data processed by EUIPO please address the delegated data controller, Director of EUIPO HRD at hrddpc@euipo.europa.eu.

Candidates can exercise their rights within the limitations of the principle of secrecy of the Selection Board's proceedings, as set out in Article 6 of Annex III of the Staff Regulations of Officials of the European Union.

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. Candidates will be informed about any such extension within 1 month of receipt of the request, together with the reasons for the delay.

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)⁴;
- Annex to the Appendix A of the SLA between the services of EPSO/EUSA and EUIPO;
- Relevant Notice of Competition.

⁴ See Council regulation (EEC, Euratom, ECSC) N°259/68 - OJL - 56, 04.03.1968, P.1

8. How long can data be kept?

Personal data will be kept by EUIPO, when it acts as data controller, only for the time needed to achieve the purpose(s) for which it is processed, as follows:

For successful candidates appointed as officials: data as specified under point 2 is kept in the personal file of the established official, in accordance with Article 26 SR. The personal data from the appointment 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 120 years after the date of birth of the person concerned.

For successful candidates whose names were placed on a reserve list but who were not appointed or who did not take up duties as officials: data as specified under point 2 is kept on file for 2 years after the expiry of the reserve list.

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

For chairperson and members of the selection board, once the competition is concluded (i.e., after the reserve list is established and if applicable, replies to request for review notified), their related information shall be removed from public domain.

In the event of a formal complaint/litigation, all personal data held at the time of the complaint/litigation will be retained until the completion of the process.

For the retention policy for data processed by EPSO as data controller, please consult the relevant privacy statement⁵.

9. Contact information

Should you have any queries on the processing of your personal data at EPSO, please use the [EPSO online form](#).

Should you have any queries on the processing of your personal data at EUIPO, please address them to the delegated data controller, the Director of the Human Resources Department, at hrddpc@euipe.europa.eu. You may also consult the EUIPO Data Protection Officer (DPO) at DataProtectionOfficer@euipe.europa.eu.

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.

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