

Privacy statement on processing personal data within the framework of selection and appointment procedures for the posts of Executive Director, Deputy Executive Director, and President, Chairpersons and Members of the Boards of Appeal at the EUIPO

The European Union Intellectual Property Office ('EUIPO' or 'us' or 'the controller') is committed to respecting and protecting your privacy and personal data, and upholding 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 provided pursuant to Articles 15 and 16 of Regulation (EU) 2018/1725.

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

Personal data has to be processed to carry out selection and appointment procedures for the posts of Executive Director, Deputy Executive Director, and President, Chairpersons and Members of the Boards of Appeal.

Data processing starts as soon as a candidate submits an application form.

Candidates are obliged by the very nature of the selection/appointment process to provide the EUIPO with data on their identity, qualifications and experience.

Data is processed in two main phases:

Preparatory work and selection/appointment phase

Data submitted on an application form will be processed to evaluate the candidate's eligibility, expertise and suitability for the post to be filled. This evaluation is based on elements provided by the candidate in their application form. This data will be used during the preparatory work phase for the selection/appointment.

Recruitment phase

If a candidate has been appointed to a post by the Council of the European Union or, in the case of candidates for posts as Members of the Boards of Appeal, by the EUIPO's Management Board (MB), their personal data has to be processed to support the Authority Authorised to Conclude Contracts of Employment (AACC – the MB, acting through its Chairperson) in preparing the relevant contract of employment, determining individual entitlements and creating the staff member's personal file.

2. What personal data do we process?

The following categories/types of personal data are processed.

Selection phase: name(s), surname(s), gender, nationality(ies), date and place of birth, correspondence address, email address, telephone number(s), and contact person in case of unavailability, as well as data regarding education, training, professional experience and working periods, language skills, technical and other knowledge, experience and competencies relevant for the post. This information is entered on an application form, which is submitted by candidates via email or courier. Adding a photo to the application form is entirely voluntary.

Further personal data processed during the selection phase includes copies of supporting documents that prove compliance with the requirements of the vacancy notice (identity card or passport, diplomas, certificates concerning professional experience) ⁽¹⁾, and the results of the candidate's performance during interviews, hearings or tests.

Interviews, hearings or tests may take place either in person or remotely via an online platform ⁽²⁾. In the latter case, candidates receive, along with the invitation, appropriate guidelines on how the online assessment is to be conducted. If an incident occurs, additional personal data may be collected in the form of a report detailing the incident.

Recruitment phase: physical aptitude of the candidate to perform the duties (assessed only as 'apt'/'not apt') ⁽³⁾; extract from the national police or criminal record/certificate of good conduct; proof of education and professional experience (originals must be presented, and certified copies are kept in the personal file of the person concerned); working periods in other entities or EU institutions/agencies (including the function group, grade, step and seniority); names of persons to be informed in the event of an accident, including their contact data; and any other document required for establishing the candidate's classification in grade, step, seniority date and individual entitlements in accordance with the Staff Regulations of Officials of the European Union (SR) and Conditions of Employment of Other Servants of the European Union (CEOS).

Vacancy notice reference and year of publication, legal basis and justification, full name of the appointed person 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 in charge of the Secretariat of the MBBC in their capacity as delegated EUIPO data controller.

Personal data processing to provide HR support in the preparatory work of the selection and appointment phases and during the recruitment phase is the responsibility of the Director of the Human Resources Department.

⁽¹⁾ Candidates whose documents/information are already in the EUIPO's possession as part of their personal file (officials, temporary agents or contract agents) may give authorisation for this information to be extracted from their personal file and used for the purposes described in the present statement.

⁽²⁾ The name of the platform, further information about the platform and a link to the Specific Privacy Statement on the processing of personal data in this platform is provided with the invitation to the interview, hearing or test.

⁽³⁾ Medical data is kept only by the EUIPO's medical service.

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

Candidates' data is disclosed to authorised HRD staff dealing with selection/recruitment procedures; authorised staff working in the International Cooperation and Legal Affairs Department who provide support to the MB (MB Secretariat); members of the Preparatory Subcommittee appointed by the MB to conduct a preliminary evaluation of applications/applicants; and members of the MB. In the case of selection procedures for the posts of Executive Director and Deputy Executive Director of the EUIPO, and President and Chairperson of the Boards of Appeal, the data of candidates on the list drawn up by the MB is disclosed also to members, representatives and authorised staff of the European Parliament and the Council who deal with the selection/appointment procedure in question.

With due respect to Article 29 of Regulation (EU) 2018/1725, data may be processed on behalf of the controller by external providers on a need-to-know basis and to the extent strictly necessary, in particular to make travel and accommodation arrangements for candidates invited for interview and to provide interpretation and technical conference services.

Once a candidate is appointed, the relevant data processed by the AACC is disclosed, on a need-to-know basis, to the Entitlements and Staff Welfare Service (HRD) to establish individual rights; the EUIPO's departments/services (management and authorised persons) for information and logistical purposes⁽⁴⁾; the Finance Department and the Paymaster Office (PMO) for payments; and the Communication Service (CS) to update the staff directory⁽⁵⁾.

The AACC, the management and authorised staff of the HRD, and MB and Preparatory Subcommittee members have access to the part of the selection procedure data kept on record for which they have responsibility.

In the event of a complaint, the candidate's data may be disclosed to the HRD Legal Team, the Litigation Service and, where applicable, to external lawyers involved in the (pre)litigation procedure.

5. How do we protect and safeguard your information?

Candidates' personal data is stored and processed in the EUIPO's systems and tools. Personal data that is strictly necessary for the reimbursement of travel and accommodation expenses relating to the candidates' participation in an interview, hearing or test, is stored in the EUIPO's financial workflow system.

Newly recruited statutory staff will be requested to upload the documents required to create their personal file. Data in the staff member's personal file is stored in the EUIPO servers and is accessible through the EUIPO tool.

Data stored in the databases may be transmitted to external contractors/subcontractors for the purposes of maintenance, development and integration, and may be stored in cloud servers in data centres located in the EU.

⁽⁴⁾ Security/parking/catering/office material.

⁽⁵⁾ 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 their consent to publication of their photo on Insite.

The data is not used for any other purposes or disclosed to any other recipients. It is not intended that personal data will be transferred to a third country. Data will be processed and stored only in the EU.

Candidates' personal data is stored and processed in accordance with the EUIPO's security standards 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 they contain.

The EUIPO's information security policy 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?

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

To exercise these rights, send a written query explicitly specifying your request to the MB or to the Director in charge of the MBBC Secretariat (as delegated data controller) at MBBCSecretariat@euipo.europa.eu, or to the Director of the HRD of 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 SR.

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

Your request will be answered without undue delay, and in any event within 1 month of its receipt. 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 EUIPO will inform you of any such extension within 1 month of receipt of your request, giving 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'.

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 Union (CEOS) ⁽⁶⁾;
- Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark ⁽⁷⁾.

8. How long can data be kept?

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

Successful candidates: data 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.

Unsuccessful candidates: data is kept on file for 2 years after the candidates have been notified that they were unsuccessful. This retention period applies also to data included in applications that do not comply with the formal requirements for submission.

If the candidate lodges a complaint under Article 90(2) SR or submits a judicial appeal under Article 270 of the Treaty on the Functioning of the European Union and Article 91 SR, the data will be kept until all proceedings are closed.

Spontaneous applications

The EUIPO does not consider any unsolicited applications. Candidates can only apply for a vacancy published through the official 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

Any queries on the processing of your personal data can be addressed to the Director in charge of the MBBC Secretariat in their capacity as delegated EUIPO data controller, at: MBBCSecretariat@euipo.europa.eu

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

⁽⁶⁾ Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission – OJ L 56, 04.03.1968, p. 1.

⁽⁷⁾ OJ L 154, 16.6.2017, pp. 1–99.

Forms of recourse:

If you do not receive an appropriate response from the data controller and/or DPO to your request, you can lodge a complaint with the European Data Protection Supervisor at the following address: edps@edps.europa.eu