

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

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 for:

- statutory staff (officials, temporary agents and contract agents);
- trainees, national experts and agency staff.

The EUIPO, in cooperation with EPSO, which assists the European institutions and other EU bodies and agencies with the selection of statutory staff by providing them with lists of candidates, process personal data to select personnel with a view to their recruitment and establish reserve lists of suitable statutory staff candidates.

Data processing starts from the moment a candidate submits an application 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 because of the very nature of the selection/recruitment process. Candidates who choose not to submit their data will be excluded from the selection/recruitment process.

The Office may engage a member of temporary staff¹ 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.

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.

Data is processed in two main phases:

Selection phase

- Data submitted by candidates by means of the application will be processed to evaluate their eligibility, expertise and 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 (Office website/EPSO website ⁽³⁾).
- Selection of a candidate from the EPSO list: statutory staff candidates from EPSO lists whose professional profile corresponds to Office vacancies will be requested by email to inform the Office as to whether they are interested in applying and if they authorise the Office to open an account on their behalf in the HR database 'SAP SuccessFactors' (data required: name/surname/email) to add them to the process. Only candidates to whom the Office has sent this email and that have answered 'Yes' will receive a link to complete their online account in the abovementioned database.

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.

Recruitment phase

If a candidate is successfully recruited, processing personal data is necessary to support the appointing authority (AA)/authority authorised to conclude contracts (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).

2. What personal data do we process?

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

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, education, language and skills. This information is completed by a CV and a motivation letter, both of which are uploaded by candidates in their online account. Adding a photo to the CV is entirely voluntary.

Candidates are requested to provide at least two names and phone numbers of previous employers in their CV as the Office carries out reference checks as part of the selection process ⁽⁴⁾.

Further personal data processed during the selection phase will be the results of the candidate's performance during the written and oral tests.

⁽³⁾ https://europa.eu/epso/application/passport/index.cfm?action=pdplegal&sb=1&lang=en&comp_id.

⁽⁴⁾ 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.

Recruitment phase: 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')⁽⁵⁾, 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), 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 individual entitlements of the person concerned according to the Staff Regulations.

Employers of agency staff (interims) and experts are obliged to request that their employees request the national police or criminal record extract and medical aptitude certificate (according to national legislation).

Central record registering the engagement of temporary staff⁶ 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⁽⁷⁾, the Department/Service line managers concerned and staff authorised by them, as well as Selection Committee members. Additionally, an external consultant may be asked to assist the Selection Committee and would, therefore, also have access to the data.

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.

Personal data concerning trainees is also disclosed to Academy staff working with HRD on the selection of trainees, in particular the Pan European Seal Programme.

If a candidate is successfully recruited, the relevant data is disclosed on a need-to-know basis, to AA/AACC, the Entitlements and Staff Welfare Service (HRD) to establish individual rights, the Office's Departments/Services (management and authorised persons for information and logistical purposes⁽⁸⁾), the Finance Department

⁽⁵⁾ Medical data is kept only by the EUIPO's medical service (doctor and nurse).

⁽⁶⁾ Article 2 (f) of the CEOS

⁽⁷⁾ On a need-to-know basis, agency staff, trainees and SNE's working with HRD statutory staff, can be granted access to personal data.

⁽⁸⁾ Security/Parking/Catering/Office material.

and the Paymaster Office (PMO) for payments and to the Communication Service (CS) to update the staff directory ⁽⁹⁾.

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 the Legal Service and/or 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 and the EDPS. The data transfer is limited only to what is necessary for official investigations or audit purposes.

5. How do we protect and safeguard your information?

Candidates' personal data is stored and processed in ShareDox, HR's Allegro database and its modules (stored in MySQL database), as well as in HR's SAP SuccessFactors in the cloud.

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 will be stored in OpenText tool (personal file repository) kept in the Office's servers and accessible through SAP SuccessFactors.

Data stored in HR's Allegro database may be transferred to external contractors/subcontractors, namely Adequasys (France). They receive and process the data in the context of the contract with the EUIPO for the maintenance and development of the application supporting the HR "Allegro" database and integrations with SAP BPC and Business Object systems. Data may also be transferred to Sopra Esteria (Spain) for the maintenance of integrations with Insite, AEOS and SuccessFactors IT systems.

Regarding SAP SuccessFactors, data is stored in the cloud in servers in SAP Germany and SAP Holland data centers. This information may be accessible by external contractors/subcontractors, namely SAP IECISA and EVERIS. They 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 data is not used for any other purposes or disclosed to any other recipients. Personal data is not intended to be transferred to a third country. Data will be processed and stored only in the EU.

A 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 Allegro/SAP SuccessFactors, including Alfresco/ShareDox (storage in personal file) have restricted access rights designed by the Departments. The

⁽⁹⁾ 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.

accesses are given individually to each profile following the type of function in the Department.

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.

If you would like to exercise these rights, please send a written query explicitly specifying your request to email account stated below in the point 9, contact information. 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 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.

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

Personal data is processed in accordance with the following Articles 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) ⁽¹⁰⁾;
- EUIPO Decision Nos°ADM-10-10 (Rev) / MB-16-13 / MB 16-16, ADM-18-12;
- the framework contract under which agency staff can be hired.

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.

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.

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 120 years after the date of birth of the person concerned.

For unsuccessful candidates: data is kept on file for 2 years after the candidate has 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.

National experts

For successful candidates: data is kept for 7 years after the end of the period of service at the Office for reasons of budgetary discharge, control and audit purposes.

For unsuccessful candidates: data is kept for 2 years as from the date of notification of unsuccessful candidates.

Trainees

For successful candidates: data is kept for 7 years after the end of the period of service at the Office for reasons of budgetary discharge, control and audit purposes. After that,

⁽¹⁰⁾ See Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ P 045, 14.6.1962, p. 1385), last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union (OJ L 287 of 29.10.2013, p. 15-62).

only data essential for providing a trainee's certificate (first name, last name, length of contract, department involved in the training, nature of the work performed and remuneration received) is kept for a maximum period of 50 years.

For unsuccessful candidates: data is kept for 2 years after the official starting date of the traineeship period.

Agency staff

For successful candidates: data is kept for 7 years after the end of the period of service for budgetary discharge, control and audit purposes.

For unsuccessful candidates: personal data is kept for a maximum period of 5 years.

Spontaneous applications

The Office does not consider any unsolicited applications. Candidates can only apply for a vacancy published through the channels 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 data controller at the following email address:
DPOexternalusers@euipo.europa.eu

You may consult the EUIPO Data Protection Officer at:
DataProtectionOfficer@euipo.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:
edps@edps.europa.eu.