

01 - Name of processing	Measurement, Analysis and Improvement Process (including ex-ante review of all recruitment procedures/contracts)
02 - Reference	27
03 - Submission Date	12-04-12
04 - Last update	19-06-20
05a - Controller	DOPPELBAUER Josef
05b - Unit-Sector	Executive Director
05c - Controller's email	No functional mailbox foreseen - andrei.lixandru@era.europa.eu
06 - DPO	DataProtectionOfficer@era.europa.eu 120 Rue Marc Lefrancq, 59300 Valenciennes, France Tel.+33 (0) 32 70 96 500
07 - Name and contact details of joint controller (where applicable)	N/A
08a - Who is actually conducting the processing? (Article 31.1(a))	The data is processed by ERA (responsible unit) itself
08b - Name and contact details of processor (where applicable)	N/A

09 - Purpose of processing

The main purpose of internal control processing, including the ABAC rights monitoring, is to provide the Executive Director with an objective assessment of the effective functioning of the Internal Management System (IMS) of the Agency.

As regards the processing operations involving personal data in the context of the ex-ante review of specific selection processes by the ICC, their main purpose is to check legal compliance (with the Staff Regulations and implementing rules, internal procedures, processes, guidance) and effectiveness of each selection procedure undertaken by the Agency, by monitoring the recruitment procedures/contracts of the Agency and duly informing the authority authorised to conclude contracts (ERA Executive Director) about any deviation and the risks associated thereof before the Authorising Officer takes a decision. The ex-ante control is performed in accordance with the following principles: objectivity and impartiality; prevention and avoidance of conflict of interest; documentary reporting of the results; right of the ICC to inform the Executive Director, after having discussed the possible issues with the Chairperson and the HR representative, before any appointment decision is taken. Also, the principle of proportionality is taken seriously into account, since the checklist mentioned above has been established on the basis of addressing only the areas presenting higher level of risks (risks that, if occurring, may seriously impact the effectiveness of the selection process) and specific areas where errors have been detected in the past.

For this aim and for the effective implementation of his/her ex-ante review of recruitment procedures / contracts functions, the ICC will be in charge of:

a) submitting his/her findings/observations and recommendations to the Chairperson, the Head of Unit concerned (if different from the Chairperson) and the

10a - Data Subjects

All candidates submitting an application for a post in ERA and the persons fulfilling the function of AODs in the Agency.

As regards, mainly, the ex-ante review of all recruitment procedures the data subjects concerned involve all staff of the Agency involved in the selection and recruitment procedures under review, as well as any candidates who apply to an ERA call for application.

It should be, however, noted that all the information (and personal data) provided by the candidate in his/her CV, motivation letter and eligibility grid, are being processed only for the purpose of ensuring that each recruitment procedure remains compliant with the consolidated staff procedure and other applicable frameworks, as foreseen in the ERA selection and recruitment procedure in force. As regards the ABAC Rights Management monitoring procedure, the data subjects concerned involve, on the one hand, the ERA Executive Director, who may delegate the powers of the budget implementation to staff of the Agency covered by Staff Regulations and, on the other hand, all the AOD who receive formal delegating powers Agency, for the purpose of signing, manually and electronically, the following: commitments or appropriations, legal commitments (as well as the preliminaries), payment orders, estimates of amounts receivable, recovery orders, waivers of recovery of amounts receivable (provided approval of the Director), cancellations of amounts receivable (provided approval of the Director) and technical and accounting adjustments of amounts receivable, to be booked to different Areas and Budget Lines in accordance with the Charter of tasks and responsibilities of Authorising Officers by Delegation/Sub-Delegation.

In the case of the deputisation of an Authorising Officer (by Delegation), the data subjects concerned may include not only the categories of data subjects (ED, HoUs, HoSs) mentioned above, but also, any other colleague of the Authorising Officer (by

10b - Personal data

The main type of personal data collected and, further, processed in the framework of controls are documents produced or signed by the person under control, records of transactions within information systems and records of meetings involving the data subject.

11 - Time limit for keeping the data

The control report will be kept in a permanent repository. The “supporting documentation” should be maintained long enough for the issue raised to be resolved and the records should be then destroyed. For this aim, i.e. safeguarding both control effectiveness and quality assurance, ICC has decided to set the period of retention for internal control files at up to 5 years after their closure.

The ICC report created for the purpose of monitoring of the written delegations recorded in the Agency Decision Register and the access rights granted in the ABAC Workflow System is kept in the ERA archives for a period of 3 years.

12 - Recipients of the data

As regards the ex-ante review of all recruitment procedures all recipients of the processing are on the “need to know basis” the following:

- a) the Executive Director,
- b) the designated HR staff dealing with engagement, and
- c) appointed members of the Selection Committee.

13 - Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?

No

14 - How is data stored? What are the security measures implemented?

As regards the review of the recruitment procedures/contracts of the relevant personal data are stored in Z:/ drive, which is accessible only by the ICC through the use of a personal password.

Access to the Decision Register of the ABAC Workflow System is granted only to the Local Profile Manager (LPM) for ABAC WORKFLOW, who is empowered by the Executive Director to manage the ABAC access rights and cannot be involved in any financial operational duties.

15 - For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable) see the data protection notice

As regards the collection of data in the framework of audit engagements, the ICC provides to the individual under control a privacy statement on the protection of personal data to be collected and processed at the announcement stage of each control engagement.

In case the control of the ICC involves data collected or information provided by applicants during a recruitment procedure at the ERA, data subjects are informed of their rights through the relevant privacy statement for the recruitment of ERA staff, which is made publicly available on the Agency's website (see attachments).

It should be, however, noted that the processing of personal data for internal control purposes falls under the provision of art. 20.1(e) of the Regulation (EC) 1725/2018, which restricts, on a case-by-case basis, the data subjects rights to access, verify and correct personal data held by the ICC. The ICC may not be aware, at the very beginning of the relevant processing operations, of all sort of data that may be collected and processed in the course of an internal control and which may, eventually, justify a restriction on access. The fact that a more "sensitive" type of data may occur in the control reports should not in abstracto prevent data subjects to exercise their rights. Indeed, because of the nature of the internal control process, fairness towards the persons concerned requires that they receive appropriate information as to the exercise of their rights and a general information about the possibility that those rights may be restricted under art. 20.1(e) of the Regulation (EC) 1725/2018. Only after reception of a particular request, it will be up to the ICC to decide whether to grant access to or rectification of one's own personal data, or whether the auditor finds it necessary to restrict those rights for the interest envisaged in art. 20(1)(e) of the above-mentioned Regulation.

On the other hand, the data protection rules do not require that several variants of data protection notices should be provided to the controlled data subject, thus giving him/her a hint on how the ICC works with the information collected and

15a - Data subject rights

Right to have access

16 - Legal Basis

Annex 1 to the Decision of the ERA Executive Director No. 1015-2015 on Introducing, as a temporary measure, ex-Ante Control of selection procedures at the European Railway Agency and repealing Decision ERA-ED-DEC-499-2013; Annex 2 to the Decision of the ERA Executive Director No. 1015-2015 on Introducing, as a temporary measure, ex-Ante Control of selection procedures at the European Railway Agency and repealing Decision ERA-ED-DEC-499-2013 ; Corrigendum Decision No. 96 of the ERA Administrative Board laying down detailed rules for the implementation of the Financial Regulation of the European Railway Agency (art. 76-78);#122;#Decision No. 116 of the ERA Administrative Board adopting the ERA management standards and repealing Administrative Board Decisions No. 23 and No. 81;#123;#Decision No. 23 of the ERA Administrative Board Meeting adopting Internal Control Standards for the European Railway Agency;#119;#Decision No. 81 of the ERA Administrative Board amending the internal control standard no. 16 "internal audit function";#120;#Decision No. 93 of the ERA Administrative Board adopting the financial regulation of the Agency (art. 40);#130;#Decision of the ERA Executive Director No. 1015-2015 on Introducing, as a temporary measure, ex-Ante Control of selection procedures at the European Railway Agency and repealing Decision ERA-ED-DEC-499-2013; Final Follow-Up Report on Audits of Human Resources Management, Experts Management in Interoperability and Annual Activity Report & Building Blocks of Assurance in the European Railway Agency (ERA), dated 31.3.2014 (Ref.Ares [2014] 1030688 - 2.4.2014); IAS Follow-Up on the past audits recommendations in ERA - Reply to Action Plan, dated 16.5.2014;#129;#IAS Follow-Up on the past audits recommendations in ERA Action Plan, dated 30.4.2014;

17 - Lawfulness of processing

In the performance of his tasks and duties regarding ERA management standards, risk management, implementation of corrective/preventive actions, verification, as well as project management, the Agency's ICC enjoys the right of unlimited access to personal data, held either by the Agency or by third parties (Agency's contractors). The processing of personal data by the ICC is lawful on the basis of art. 5(b) of the Regulation (EC) 1725/2018, since the processing is necessary for the compliance with a legal obligation to which the controller is subject. The same applies to the processing of personal data included in the ABAC Workflow Financial System / Profile Assignment for the needs of monitoring the ABAC rights.

As regards, mainly, the ex-ante review of all recruitment procedures/contracts according to the art. 47.1(b) of the Financial Regulation of the Agency (ERA MB Decision No. 206, mentioned above under Legal Basis), the Authorising Officer (i.e. the Executive Director) shall report to the management board on the performance of his duties in a form of a consolidated annual activity report, containing, among others, a signed declaration stating whether he has a reasonable assurance that, unless otherwise specified in any reservations related to defined areas of revenue and expenditure, the control procedures put in place give the necessary guarantees concerning the legality and regularity of the underlying transactions. This means that the Agency must be in a position to demonstrate that the overall internal control system is effective, including the management of meaningful risks to HR selection and recruitment processes. The assessment of the internal control system has been delegated by the Executive Director of the Agency to the ICC (please refer to the attached ICC Job Description and annual objectives). Therefore, the processing of personal data regarding specific selection procedures launched is lawful under art. 5(a) of the Regulation (EC) 1725/2018, since the processing is necessary for the performance of a task carried out in the legitimate exercise of official authority vested in the Community institution or body or in a third party to

18 - Data minimisation

The purpose of the data processing is to provide assurance to the Executive director regarding the legality and regularity of the recruitment procedures and the management of the delegated financial functions in the Agency.

19 - Accuracy

see point 09 - Purpose of processing where the full process is described

20 - Access and other rights of persons whose data is processed

NA

21 - Special category data N/A

22 - DPIA N/A

23 - Link to the Threshold assessment-Risks

24 - Other related documents