

## PRIVACY NOTICE – Recruitment of temporary agents and contract agents and renewal, or not, of their contracts (record reference number: 2)

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*Recruitment of temporary agents and contract agents and renewal, or not, of their contracts involves processing of personal data, which shall comply with Regulation (EU) N° 2018/1725<sup>1</sup> (the “Regulation”).*

This privacy notice explains how the SESAR JU uses any information you give to us, and the way we protect your privacy. Furthermore, it describes the rights you have as a data subject and how you can exercise these rights.

SESAR JU protects the fundamental rights and freedoms of natural persons and in particular their right to privacy with respect to the processing of personal data.

We provide the following information based on articles 14 to 16 of the Regulation.

### **What is the purpose of the processing?**

- The purpose of the processing operations is the recruitment of temporary and contractual agents and the renewal of their contracts in compliance with Staff Regulations and CEOS as well as the implementing rules of selection and recruitment of the indicated staff.

### **Which personal data do we process?**

- Personal details (name, surname, address)
- Any documents verifying the selected candidate’s technical and professional competencies (diplomas, certificates of previous work experience)
- Documents verifying nationality (passport/ID)
- Career Development Review when assessing the renewal of contract
- Family situation (marriage certificates, birth certificates)
- Documents sent from the Commission medical service indicating that the selected candidate is physically fit or not to perform his/her duties
- PMO forms to allow the establishment of the recruited staff’s entitlements under the Staff Regulation and CEOS
- Documents verifying appropriate character references (extracts of criminal record or if there is no central national register of criminal records in the Member State concerned, an attestation of good behaviour from the police authorities)
- Leave data (maternity leave)

### **Under what legal basis do we process your data?**

- Article 2 (a) and (f), 3(a), 12, 82 and 86 of the Conditions of Employment of other servants of the EU (CEOS)
- Decision 25 of SJU Administrative Board of 9 October 2009 on general implementing provisions on the procedure governing the engagement and the use of temporary agents at the SESAR Joint Undertaking

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<sup>1</sup> Regulation (EU) N° 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 (“EUDPR”).

- Decision 27 of SJU Administrative Board on general implementing provision on the procedure governing the engagement and the use of contract staff at SESAR Joint Undertaking
- Decision 06 of SJU Administrative Board of 16 June 2016 laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of other servants of the European Union
- Articles 8 and 47 for temporary agents and articles 85 and 119 for contract agents of the CEOS
- Decision 06 of the SJU Administrative Board of 16 June 2016 on general implementing provisions on the procedure governing the engagement and use of temporary agents under art 2(f) CEOS
- Decision 27 of SJU Administrative Board on general implementing provision on the procedure governing the engagement and the use of contract staff at SESAR Joint Undertaking and in particular its Article 2a
- Contractual obligation article 5(1)(c) of Regulation 2018/1725
- Public Interest article 5(1)(a) of Regulation 2018/1725

Special categories of personal data:

- When HR informs the PMO on the starting and ending data of maternity leave, the processing is lawful according to article 10 (2)(b) Regulation 2018/1725 and article 17 of the CEOS.
- Sensitive information on appropriate character references on the data subject, such as judicial records and attestation of good behaviour, is processed in line with article 12(2) and 82(3) CEOS.

### Who is the controller and other actors involved in the processing?

Controller: The SESAR JU, legally represented by Florian Guillemet, Avenue Cortenbergh 100, 1000 Brussels

### How is SESAR JU processing the personal data?

#### Recruitment:

Data is collected by the HR Sector both by the application form and the recruited candidate and used by the HR team to prepare the contract of the recruited candidate and to collect the information required by the Staff Regulation and CEOS. The data is sent by email to the Office for the Administration and payment of individual entitlement (PMO) for the calculation of the employee's rights and it is received also by the Appointing Authority.

The data is stored manually and electronically. Paper documents are stored safely in a locked cabinet in the HR secured office, birth certificate and criminal records have to be provided in paper as originals. The rest of the documents might be received as electronic files and they are stored in SJU share drive protected by management of access rights.

#### Renewal/non-renewal at the request of the service:

The line manager of the concerned staff drafts an evaluation note containing inter alia an opinion on whether the jobholder is suited to continue to occupy the post based, in particular, on the latest available Career development Review as well as the previous ones. The HR sector submits the proposal and evaluation note together with its comments to the Authority Authorised to Conclude Contracts (AACC). The AACC drafts a letter of intention specifying the reasons of non-renewal to be addressed to the person concerned indicating that comments can be provided within a specified time frame. Comments can be provided by email or hardcopy and are stored in the personal file of the staff member, the shared drive and the HR office safe. Upon expiry of the deadline, the AACC takes a decision. The HR sector informs the jobholder of the outcome of the decision and provides the

jobholder with the renewal of his/her contract or the letter confirming the ceasing date of the contract.

### **Non-renewal at the request of the agent ('voluntary non-renewal')**

When the agent does not wish his/her contract to be renewed the person concerned signs a declaration. Subsequently the HR Sector files the signed declaration in the personal file and sends a copy to the EC Office of Administration and Payments ('PMO') to allow the establishment of the staff's entitlements under the Staff Regulation and CEOS.

### **Non-renewal of contract and maternity leave/pay**

Where the contract cannot be renewed, the HR Sector should assist the person concerned in ensuring her rights to maternity leave and pay. As soon as the beginning of maternity leave is known, the HR Sector sends an e-mail to the PMO providing the following information under article 17 of the CEOS:

- 1) The date of the beginning and the end of maternity leave;
- 2) The end date of the contract.

### **Medical aspects**

When the SESAR JU believes that a person is physically or mentally sick and the SESAR JU wishes to proceed with the non-renewal procedure, the AACC has to obtain proof that the person concerned is capable of effectively (mentally and physically) taking part in the procedure.

In such cases, the HR Sector requests the Medical Service to issue a written opinion, that the person is able to take part in the procedure.

### **Determining the whereabouts of the person**

Any staff member is required to notify his/her address (article 20 of the Staff Regulations). When sending letters to the private address of an absent colleague, the HR Sector ensures that the person concerned has not requested and obtained permission from the AACC to spend sick leave elsewhere than at the place of employment (article 60 of the Staff Regulations).

See <https://www.sesarju.eu/dataprotection> for more information.

### **How do we protect and safeguard your information?**

- Staff dealing with this processing operation is designated on a need-to-know basis
- Access control and technical measures such as physical locks and/or secure connections and firewalls
- Organisation measures: The data is stored electronically and manually and access is protected by the management of the access rights to the SJU folders in the share drive.
- Technical measures: Paper files are stored in a locked cupboard in the HR sector's secured office until their destruction. The SJU folders in the share drive are accessible only to HR team members.

### **Who can access to your personal data and to whom is it disclosed?**

The following might have access to your personal data:

- EU institutions and bodies: The PMO will receive the information necessary to define the establishment of the recruited staff entitlements under the Staff Regulation and CEOS.
- Designated SJU staff members: Appointing Authority, HR team, managers of staff concerned

## What are your rights and how can you exercise them?

You have the right of access to your personal data and to relevant information concerning how we use it. You have the right to rectify your personal data. Under certain conditions, you have the right to ask that we delete your personal data or restrict its use. You have the right to object to our processing of your personal data, on grounds relating to your particular situation, at any time. In addition, you have the right not to be subject to a decision based solely on automated processing of data, including profiling, if such decision has legal effect on him or her, except for certain situations, such as entering into a contract (as required by articles 14-16 & 24 of the Regulation).

Information on action taken on the data subject's request to exercise her/his rights shall be provided without undue delay and in any case within one month of receipt of the request. In case of complex or voluminous requests, this period may be extended by another two months, in which case the JU will inform the data subject.

In case data subjects wish to exercise their rights, they should send an email to the HR team at [hr@sesarju.eu](mailto:hr@sesarju.eu).

Data subjects have the **right to withdraw their consent at any time** by sending a written request to the HR team at [hr@sesarju.eu](mailto:hr@sesarju.eu). Please note that withdrawing your consent does not affect the lawfulness of any processing based on your consent before this consent is withdrawn.

The content of these rights is detailed in the [Data Protection Notice page in SJU website](#) which contains also information about the contact points and recourse (including EDPS <http://www.edps.europa.eu> and [edps@edps.europa.eu](mailto:edps@edps.europa.eu), and SJU DPO [sju.dataprotection@sesarju.eu](mailto:sju.dataprotection@sesarju.eu)) as well as detailed information on the exercise of the rights.

Possible restrictions as laid down in Article 25 of the Regulation and the upcoming SJU decision on restrictions may apply.

## How long is the data retained?

- Data regarding recruited staff and staff whose contract is not renewed will be kept for ten years after the last financial transaction or the termination of employment, the latest date prevailing.
- Criminal records will be stored up to two years from the date of recruitment and destroyed earlier if they have been checked by the Court of Auditors.

## Complaints, concerns and recourse

Should you have any complaint or concern you may contact:

- the Data Protection Officer of the SESAR JU at [sju.data-protection@sesarju.eu](mailto:sju.data-protection@sesarju.eu), and
- the HR team at [hr@sesarju.eu](mailto:hr@sesarju.eu)

In addition, as a data subject, you have a right to recourse to the European Data Protection Supervisor (EDPS) at any time by e-mail to [edps@edps.europa.eu](mailto:edps@edps.europa.eu) or a letter to the EDPS postal address marked for the attention of the EDPS DPO:

European Data Protection Supervisor, Rue Wiertz 60, B-1047 Brussels, Belgium

For more information on the EDPS, please consult their website: <https://edps.europa.eu>

## Additional information

More information on Data Protection at the SESAR JU can be obtained in the [SJU register of data processing operations](#) and in the privacy notices published in the [SESAR JU web site](#). This privacy notice is available in the SESAR JU website: <https://www.sesarju.eu/sesar-vacancies> and will be made available to data subjects upon launch of the renewal procedure.