

PRIVACY POLICY

for the processing operation of personal data by S2R JU (PO-1-01)

Selection and recruitment of temporary agents (TA), contract agents (CA), seconded national experts (SNE), interims staff and trainees

1. INTRODUCTION

This Privacy policy describes the measures taken to protect your personal data with regard to the data processing operations in the context of the recruitment of staff, SNE and trainees. Furthermore, it describes the rights you have as a data subject and how you can exercise these rights.

Regulation (EU) 2018/1725 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 (hereinafter "the Regulation") applies to the processing of personal data carried out by the Shift2Rail Joint Undertaking ("S2R JU").

S2R 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.

2. CONTROLLER OF THE PROCESSING OPERATION

Shift2Rail Joint Undertaking
Legal representative: Mr Carlo M. Borghini, Executive Director
White Atrium building – 2nd floor
56-60 Avenue de la Toison d'Or
1060 St Gilles
Bruxelles
www.shift2rail.org

Joint Controller : European Commission, in particular the DG Human Resources and Security and the Office for Administration and Payment of Individual Entitlements (PMO)

3. PURPOSE OF THE PROCESSING

Data are processed for organising the selection and recruitment procedures for TA, CA, SNE, interim staff and "EU Blue Book Trainees" at the S2R JU.

4. DATA SUBJECTS

Data from candidates applying for open vacancies, in particular:

- Candidates applying for open S2R JU vacancies (TA, CA, and SNE)
- Trainees recruited by the European Commission ("EU BlueBook trainees")
- Interim staff selected via an external contractor on behalf of the European Commission.

5. CATEGORIES OF PERSONAL DATA COLLECTED AND USED FOR THE PROCESSING OPERATIONS, INCLUDING SPECIAL CATEGORIES OF DATA

- Data allowing the candidates' identification: Name, Surname, Nationality, Date and Place of birth, e-mail, telephone and fax number, address;
- Information provided by the candidate allowing evaluating his/her compliance with the requested selection criteria established by the vacancy notice, in particular curriculum vitae in European CV format and motivation letter;
- Supporting documents confirming academic and professional data (i.e.: copies of diplomas, year of acquisition, field of studies, proof of professional experience, language competencies);
- If applicable results of the pre selection or written/oral tests.

Special categories of data: data related to health (in particular medical certificates) and data regarding criminal records. The analysis of those documents are carried out on a case-by-case basis so that only relevant data are processed in the light of the Staff Regulation's requirements.

6. RECIPIENTS OF THE DATA

Under regular circumstances, the recipients are:

- The appointed selection committee
- The S2R JU Human Resources Officer
- The S2R JU Executive Director, as the authority empowered to conclude contracts of employment
- The S2R JU DPO (only for the purposes of replying to access requests or other consultations on data protection aspects from the HR Officer)
- Regarding Trainees, the Traineeship office of DG EAC provides the S2R JU with administrative assistance on the basis of a Service Level Agreement, specifying that the Traineeship office commits to fulfilling the requirements of Regulation (EC) n°45/2001 on data protection.
- Regarding interim staff, the proposed CVs are forwarded by interim agencies under a European Commission's (DG HR) Framework contract to the S2R JU Human Resources Officer in order to find the best-suited candidate.
- The European Commission (PMO), in line with provisions concerning the reimbursement of travel costs for TA, CA and SNE.
- Relevant services in DG HR and SECURITY in charge with the provision of badges allowing access to EU Buildings and in charge of the creation of an IT account.

The S2R JU does not undertake any regular or routine transfers. In very specific cases, data may be disclosed to the security services of other European Institutions or to security, judicial, or law enforcement authorities of EU member states, only for the purpose of ongoing inquiries or to investigate or prosecute criminal offences. Such transfers shall only be carried out on explicit request and be recorded.

7. TRANSFER TO A THIRD COUNTRY OR AN INTERNATIONAL ORGANISATION

S2R JU does not intend to transfer the personal data to third countries or to international organisations.

8. RIGHTS OF DATA SUBJECTS

Data subjects have the right to access their personal data and the right to rectify any inaccurate or incomplete personal data, as well as to request the erasure of their personal data, restriction of processing, object to the processing and the right to data portability.

Without undue delay and in any case within one month of receipt of the request, S2R JU will provide information on action taken on the data subject's request to exercise her/his rights. In case of complex or voluminous requests, this period may be extended by another two months, in which case S2R JU will inform the data subject.

However, the Applicant can rectify data relating to admissibility criteria only until the closing date for submitting applications. Should the Applicant have any queries concerning the processing of his/her personal data, s/he shall address them to jobs@s2r.europa.eu

9. TIME LIMIT FOR STORING DATA

In any case, personal data will not be kept for longer than necessary, for the purpose for which they were collected or further processed.

Application data will be stored for different periods depending on the outcome of each application:

- **Recruited candidates** (TA, CA and SNE positions): 10 years as of the termination of employment and/or after the extinction of all rights of the person concerned and of any dependants.
- **Non-recruited candidates** (TA, CA and SNE applicants): 2 years following the recruitment procedure is terminated or the establishment of the reserve list by the selection committee.
- **BlueBook trainees**: S2R JU is not in charge of the recruitment process which is being dealt with by the relevant department at the European Commission (DG EAC). Applications are only accessible via the online database which is open for consultation only during specific periods. Therefore, S2R JU does not store any data related to the recruitment of BlueBook Trainees.
- **Interims**: the data are kept only for the duration of the mission (normally six months).
- **Spontaneous applications**: personal data (i.e.: CV) are not kept and are destroyed automatically after seven days.
- In case of **appeal**, until the termination of all appeals.

Criminal record, police record and/or certificate of good conduct are returned to the person immediately after the selection and possible recruitment or not.

10. LEGAL BASIS FOR THE PROCESSING OPERATION

Processing of personal data is necessary (i) for the performance of a task carried out in the public interest and (ii) for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

S2R's public interest tasks with relevance for the data processing are set out in:

- Regulation 642/2014 establishing the S2R JU, in particular Articles 6, 7, 10, and Article 10 of the S2R Statutes.

- EU Staff Regulation, in particular Articles 12 - 15 and 82 - 84, 86 of the Conditions of Employment of other servants of the European Communities (CEOS).
- Service Level Agreements signed between the S2R JU and the European Commission (DG HR) and the PMO
- S2R JU Implementing Rules
 - a. For TA: S2R JU Governing Board (GB) Decision N° 7-2015 of 17 July 2015 related to general implementing provisions on the procedures governing the engagement and the use of temporary agents.
 - b. For the Trainees: GB decision 21/2016 of 25 October 2016 laying down the rules on the use of trainees in the Shift2Rail Joint Undertaking and Service Level Agreement signed on 7 December 2016 with the European Commission (DG Education and Culture).
 - c. For the SNE: GB decision 20/2016 of 25 October 2016 laying down rules on the secondment of national experts and national experts in professional training to the Shift2Rail Joint Undertaking
 - d. Interim Staff : S2R JU currently uses the Framework contract HR/R3/PR/2014/078 signed by the European Commission (DG Human Resources and Security) with an external contractor.

Derogation to process special categories of data:

- a. health data: art. 10 §2 (b) Regulation 2018/1725 (processing necessary for exercising specific controller rights/obligations under employment, social security or social protection law).
- b. criminal records: art. 11 Regulation 2018/1725 (processing under control of official authority or when the processing is authorised by Union law, in particular Article 137 (3) of the EU Financial Regulation).

11. CONTACT DPO

In case you have any questions or queries concerning data protection at the Shift2Rail Joint Undertaking, you can contact the Data Protection Officer at Data-Protection@s2r.europa.eu

12. COMPLAINT TO THE EDPS

As a data subject you have the right to lodge a complaint at any time with the European Data Protection Supervisor at edps@edps.europa.eu.

13. ADDITIONAL INFORMATION

More information on Data Protection at the Shift2Rail Joint Undertaking can be obtained in the [Data Protection Register](#) and in the [Privacy Notices](#) published in the S2R JU web site.