

DATA PROTECTION NOTICE – Selection and recruitment of temporary agents (TA), contract agents (CA), seconded national experts (SNE) (non-recruited candidates) PO-1-01-b)

Selection and recruitment of temporary agents (TA), contract agents (CA), seconded national experts (SNE) (non-recruited candidates) involves processing of personal data, which shall comply with Regulation (EU) N° 2018/1725¹ (the “Regulation”).

This data protection notice explains how the Europe’s Rail Joint Undertaking (here after referred to as EU-Rail 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.

Europe’s Rail Joint Undertaking 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 Article 15 of the Regulation.

What is the purpose of the processing?

- Data are processed for the purpose of organising the selection and recruitment procedures for TA, CA, SNE and Blue Book Trainees at the EU-Rail JU.
- Personal data are processed under Articles 90(1) and 90(2) of the Staff Regulations within Europe’s Rail for handling requests, appeals, and complaints. This includes decisions taken by the appointing authority (Executive Director) and complaints about adverse decisions or inaction handled by the appointing authority (Executive Director or the Appeals Committee).

Which personal data do we process?

Personal data:

- Profession
- Education
- Personal details
- Personal characteristics
- Family Composition
- Results in the selection process

Special categories of personal data:

- Health data
- Juridic data
- Racial or ethnic information
- Political preferences

¹ 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”).

- Philosophical or religious convictions
- Trade union membership

Why do we process your personal data and under what legal basis?

Personal data:

- Public Interest Article 5 a) of Regulation 2018/1725
- Contractual obligation Article 5 c) of Regulation 2018/1725

Special categories of personal data:

- Public Interest Article 5 a) of Regulation 2018/1725: sensitive data (art. 10 §2 (g) Regulation 2018/1725 (processing necessary for exercising specific controller rights/obligations under employment, social security or social protection law)), Juridic data (art. 11 Regulation 2018/1725 (processing under control of official authority or when the processing is authorised by Union law))
- Contractual obligation Article 5 c) of Regulation 2018/1725 : 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)), Juridic data (art. 11 Regulation 2018/1725 (processing under control of official authority or when the processing is authorised by Union law))

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

Controller: The EU-Rail Joint Undertaking, legally represented by Mr Giorgio Travaini, Executive Director, 56-60 Avenue de la Toison d'Or, 1060 Saint-Gilles

No personal data is currently processed by external processors.

Joint controller(s):

- PMO
- DG Human Resources and Security
- DG EAC

How is Europe's Rail Joint Undertaking processing the personal data?

See <https://rail-research.europa.eu/terms-of-use/> for more information.

How do we protect and safeguard your information?

- Data kept according to the security measures adopted by the European Commission
- Obligation of confidentiality of the staff
- Staff dealing with this processing operation is designated on a need-to-know basis
- Appropriate technical and organisational security measures, giving due regard to the risks inherent in the processing and to the nature of the personal data concerned
- Once the procedure is closed, electronically stored data erased
- Health data processed with the principles of medical confidentiality by HR officer
- Signature of absence of conflict of interest

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

The following might have access to your personal data:

- European Commission and its services: PMO, DG Human Resources and Security
- EU-Rail Executive Director
- Members of the Appeals Committee under article 90 (2) of the Staff Regulation
- EU-Rail JU Staff members: Appointed members of the selection committee, Human Resources Officer, Legal and Data Protection Officer (only for the purposes of replying to access requests or other consultations on data protection aspects from the HR Officer)
- External evaluators or experts assisting the EU-Rail JU: Appointed members of the selection committee
- Members of the Appeals Committee for the processing operations falling under article 90 (2) of the Staff Regulation.

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 EU DPR 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 Europe's Rail Joint Undertaking Data Protection Officer at data-protection@rail-research.europa.eu

How to withdraw your consent and the consequences of doing this

Data subjects have the right to withdraw their consent at any time by sending a written request to the above-mentioned email address. Please note that withdrawing your consent does not affect the lawfulness of any processing based on your consent before this consent is withdrawn.

Possible restrictions as laid down in Article 25 of the EU DPR Regulation can apply.

How long is the data retained?

- For the duration of the selection procedure only: Juridic data
- 2 years following the recruitment procedure is terminated: Profession, Education, Personal characteristics, Personal details, Health data
- 10 years: Data processed for the purpose of responding to requests and complaints submitted under Article 90(1) and 90(2) of the Staff Regulations

Complaints, concerns and recourse

Should you have any complaint or concern you may contact:

- the Data Protection Officer of the Europe's Rail Joint Undertaking at data-protection@rail-research.europa.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 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 Europe's Rail Joint Undertaking can be obtained in the Data Protection Register and in the privacy notices published in the Europe's Rail Joint Undertaking web site.