

Recruitment of Temporary Agents and Contract Agents

Record of ESMA activities processing personal data, based on Article 31 of 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.

Nr.	Item	Record Information
RECRUITMENT OF TEMPORARY AGENTS AND CONTRACT AGENTS		
1	Last update of the record	30/06/2023
2	Reference number	ESMA64-1919188111-109
3	Name and contact details of controller	Address of the controller: Head of Resources Department hr.helpdesk@esma.europa.eu European Securities and Markets Authority (ESMA) 201-203 Rue de Bercy 75012 Paris France

4	ESMA area entrusted with processing	ESMA/RES/HR Unit/Recruitment
5	Processors (if any)	<p>Outsourced eRecruitment tool: “Adequasys”</p> <p>In case remote oral interviews are conducted: “Microsoft” NV/SA. Please refer to this dedicated data record for the details of personal data processing via audio and video communication: ICT Audio and Video Communication and Collaboration (europa.eu)</p> <p>In the case of organising a recruitment procedure on ESMA’s behalf or if ESMA recruits from EPSO’s electronic contract agent (CAST) database: European Personnel Selection Office (“EPSO”). Please see their Privacy Statement here: PRIVACY STATEMENT - PROTECTION OF YOUR PERSONAL DATA EU Careers (europa.eu)</p>
6	Name and contact details of DPO	<p>Data Protection Officer (ESMA)</p> <p>dpo@esma.europa.eu</p>
7	Name and contact details of processor (where applicable)	<p>“Adequasys”, 1 Rue Claude Bernard, 26100 Romans-sur-Isère, France</p> <p>“Microsoft” NV/SA, Da Vincilaan 3 Corporate Village 1935 Zaventem, Belgium</p> <p>“EPSO”, L-107, B-1049 Brussels, Belgium</p>
8	Purpose of the processing	<p>The purpose of the processing is to recruit the most suitable candidate(s) to fill open posts at ESMA to ensure ESMA carries out its tasks and powers as prescribed to it by ESMA Regulation. To this end, the processing is necessary to select the best candidates, to manage and check the use of the reserve lists and to ensure that all steps of the procedure are carried out according to the EU Staff Regulations and implementing rules, in particular to ensure non-discrimination, equal treatment, impartiality, transparency and confidentiality at all steps. The purpose of processing criminal records, ID Card/Passport data and declarations of interest is to establish suitability of the candidate for the post and to verify their identity.</p>

		<p>The legal basis for this processing operation (recruitment/selection) is Article 5(1)(a) of Regulation (EU) 2018/1725, in conjunction with ESMA Regulation No 2010/1095, the Staff Regulations of Officials (SR) and the Conditions of Employment of Other Servants of the European Communities (CEOS), and in particular Art. 27-34 (SR) in case of permanent staff and Art. 12-15 and Art. 82-84 (CEOS) for other servants, the ESMA Management Board Decisions on the Implementing Rules on the engagement and use of temporary agents (ESMA-2015-MB-56) and of contract staff (ESMA64-87-216), the ESMA Recruitment Policy (ESMA64-77-111) as well as the ESMA Environmental Policy (ESMA62-1863330790-64).</p> <p>If offered a post, processing of ID/Passport information and declaration of interests before recruitment at ESMA (TAs/CAs) is based on Article 5(1)(a) of Regulation (EU) 2018/1725, in conjunction with Article 11 and 11a of the Staff Regulations.</p> <p>Particularly regards criminal records (TAs/CAs) the legal basis are Article 5(1)(a) and Article 11 of Regulation (EU) 2018/1725, in conjunction with Articles 28 of the Staff Regulations and 12(2) of the CEOS.</p>
9	<p>Description of categories of persons whose data ESMA processes and list of data categories</p>	<p>Categories of persons:</p> <ul style="list-style-type: none"> - Applicants to the selection procedures - selected applicants and - Selection board members <p>Categories of Applicants' data processed:</p> <ul style="list-style-type: none"> - Information requested in the applications /CVs (address, age, nationality, gender, languages spoken, education, work experience, skills/competencies, motivation to work at ESMA). Candidates should inform if they have a disability that requires special arrangements to participate in the selection procedure. - for applicants invited to an interview and written test: responses provided during the interview and test (technical knowledge, skills, competencies) and in case of on-site tests/interviews: legal entity and bank account forms/details (for the reimbursement of costs incurred). - for selected candidates: ID Card/Passport information, declarations of interest and criminal record. <p>Categories of data processed in relation to Selection Board members:</p> <ul style="list-style-type: none"> - Information linked to the conflict of interest checks (existence and if so, nature of close personal / professional relationship of a selection board member with any applicant)

<p>10</p>	<p>Time limit for keeping the data</p>	<p>1) Non recruited applicants whose names were put on the reserve list of applicants: The data relating to the non-recruited applicants on the "reserve lists for appointment" are kept in terms of the validity and the actual extension of the respective reserve lists, and then for the 2 years following the expiry of the list's validity.</p> <p>2) Non recruited applicants: The retention period of data for unsuccessful candidates is 2 years after the closure of the recruitment procedure. The time-limit for storage of data is set in relation to the time-limits to be established for the possible review of the decision taken in the selection procedure (complaint to the European Ombudsman, appeal with the General Court), as well as in accordance with Article 49 of the Implementing Rules to the Financial Regulation (for budgetary and audit purposes).</p> <p>3) Recruited applicants: The personal data (in relation to the recruitment of candidates) are stored electronically (on ESMA secure servers) and are an integral part of the personal file of each staff member (Art. 26 of the Staff Regulations).</p> <p>ESMA's recommended retention period of the personal files is: - for staff members who during their service at ESMA have acquired EU pension rights (requirement of either having worked within the EU institutions/agencies for 10 years OR having reached during the service at ESMA the pensionable age), the data retention period is up to the time of the last pension payment. - for staff members who during their service at ESMA have not acquired EU pension rights, the data retention period is 10 years as of the termination of employment at ESMA.</p>
<p>11</p>	<p>Recipients of the data</p>	<p>The access to the personal data of applicants and members of selection boards are restricted to ESMA HR staff.</p> <p>Recipients within Authority of the personal data insofar as necessary for the performance of their tasks:</p> <ul style="list-style-type: none"> - HR staff dealing with recruitment - Head of Resources Department

		<ul style="list-style-type: none"> - Executive Director of ESMA/Appointing Authority - Selection Board Members (for the purpose of evaluation and selection) - The hiring Head of Departments/Units and/or delegated staff of a recruiting department/unit who will consult the CVs/applications of candidates on a relevant reserve lists - ESMA Finance Officers (for reimbursement purposes) <p>Recipients outside Authority, if requested (European Union institutional bodies):</p> <ul style="list-style-type: none"> - Internal Audit Service of the Commission and the Court of Auditors (for audit purposes) - European Anti-Fraud Office (OLAF) - Court of Justice of the European Union - European Ombudsman - European Data Protection Supervisor
12	<p>Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?</p>	<p>“Adequasys” is based in France and subject to GDPR; OVH is a sub-processor and has storage facilities inside the EEA.</p> <p>For more details regarding transfers of personal data processed in case online oral interviews are held, please refer to the existing data record for audio and video communication: ICT Audio and Video Communication and Collaboration (europa.eu)</p>
13	<p>General description of security measures, where possible.</p>	<p>The ESMA implements appropriate technical and organisational measures in order to safeguard and protect data subjects’ personal data from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to them. The access to the data is protected and only given to the authorised persons. The information at ESMA is handled on a need to know basis, stored and processed in secured ICT systems implementing access controls and other security safeguards.</p> <p>“Adequasys” relies on the company OVH as a subcontractor; this last is aligned with security Industry specifications and best practices (ISO/IEC 27001, CSA STAR, SOC I and II type 2 & PCI DSS).</p> <p>For more details regarding security measures in respect of personal data processed in case online oral interviews are held, please refer to the existing data record for audio and video communication: ICT Audio and Video Communication and Collaboration (europa.eu)</p>

14	Information on how to exercise your rights to access, rectification, object and data portability (where applicable), including recourse right.	For information on your data subject rights please refer to Data Protection Statement published on ESMA's website: Data Protection Statement on recruitment (europa.eu)