

## Information on data protection

As the institution responsible for organising the selection procedure, the Directorate for Human Resources and Personnel Administration of the Court (Direction des ressources humaines et de l'administration du personnel, Direction générale du personnel et des finances, Cour de justice de l'Union européenne, L-2925 Luxembourg) ensures that personal data are processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals.

### *Data processed*

In the recruitment procedure, the following data may be processed: Information relating to identity, postal and e-mail address, training, work experience, family situation, the result of the medical fitness examination, language skills and in general all the information contained in a CV. These data will be consulted only for the purpose of possible recruitment by the Court of Justice. They will be treated confidentially and stored securely.

### *Legal basis*

Officials: Articles 27 to 34 of the Staff Regulations;  
Contract and temporary staff, special advisers: Articles 12 to 15, 82 to 84 and 123 to 124 of CEOS;  
Students: Regulation of 21 July 2001 concerning the engagement of students;  
Trainees: Decision of 10 March 2010 on the adoption of the rules concerning traineeships at the Court of Justice, the General Court and the Civil Service Tribunal;  
National magistrates: Decision of 4 July 2007 concerning national magistrates undertaking in-service training under the exchange programme organised by the European Judicial Training Network;  
Seconded national experts: Decision of the Court of 2 July 2003 laying down the rules applicable to national experts on secondment;  
Article 5(a) and (d) of Regulation No 45/2001.

### *Recipients or categories of recipients of data*

Your personal data may be processed by the Directorate General for Personnel and Finance (DGPF); selection committees, the competent Appointing Authority; your hierarchical superior(s); managers, administrators and Heads of the Human Resources unit and Rights under the Staff Regulations, social and medical matters and working conditions unit.

Furthermore, these data may be supplied to other recipients in individual cases:

- The Court of Justice, the General Court and/or the Civil Service Tribunal, or to a national court, or to the lawyers and agents of the parties in the event of a dispute;
- the Court of Justice, General Court or the Civil Service Tribunal body which deals with complaints, the President and Registrar of the court or tribunal concerned, and the legal adviser for administrative matters in the event of a complaint brought under Article 90(2) of the Staff Regulations;
- OLAF in the event of an investigation under Regulation No 1073/1999 and the Court of Justice decision of 26 October 1999;
- the internal auditor in connection with his/her duties under Articles 85 to 87 of the Financial Regulation;
- the Court of Auditors when performing its duties under Article 287 TFEU
- the President and the Registrar of the Court and the officials who assist them in their responsibilities conferred by Article 20(4) of the Rules of Procedure of the Court;
- The European Data Protection Supervisor in accordance with Article 47(2) of Regulation No 45/2001;
- The Data Protection Officer of the institution in accordance with point 4 of the Annex to Regulation No 45/2001;
- The European Ombudsman to the extent that is necessary in order to handle a complaint that has been made to him (Article 228 TFEU).

### *Right of recourse to the EDPS*

It is pointed out that, under Article 32(2) of Regulation No 45/2001, 'without prejudice to any judicial remedy, every data subject may lodge a complaint with the European Data Protection Supervisor if he or she considers that his or her rights under Article 286 of the Treaty have been infringed as a result of the processing of his or her personal data by a Community institution or body.

In the absence of a response by the European Data Protection Supervisor within six months, the complaint shall be deemed to have been rejected.'

Furthermore, under Article 33 of Regulation No 45/2001, 'any person employed with a Community institution or body may lodge a complaint with the European Data Protection Supervisor regarding an alleged breach of the provisions of this Regulation governing the processing of personal data, without acting through official channels'.

That provision also states that 'no-one shall suffer prejudice on account of a complaint lodged with the European Data Protection Supervisor alleging a breach of the provisions governing the processing of personal data'.

#### *Time limit for the storage of data*

Officials and non-recruited agents: 3 years after the post has been filled or the reserve list has expired.

Recruited probationers: 3 years after the end of the traineeship.

Non-recruited probationers: 3 years after the beginning of the traineeship period for which the data was collected.

Recruited students: 3 years after the end of the engagement.

Non-recruited students: destruction before the end of the calendar year during which the application was made.

National magistrates, recruited national experts on secondment: 3 years after the end of the contract/engagement.

Unsuccessful applications: 3 years from the date when received.

Engaged special advisers: 3 years after the end of their contract.

Unsuccessful applications: no storage, immediate destruction.

The criminal record extract of the person concerned is not kept – there is only a declaration made by the recruitment manager, after seeing the relevant criminal record extract, confirming that the condition set out in Article 28(c) of the Staff Regulations has been fulfilled.

#### *Right of access*

Under Article 13 of Regulation No 45/2001, the data subject shall have the right to obtain, without constraint, at any time within three months from the receipt of the request and free of charge from the controller:

- (a) confirmation as to whether or not data related to him or her are being processed;
- (b) information at least as to the purposes of the processing operation, the categories of data concerned, and the recipients or categories of recipients to whom the data are disclosed;
- (c) communication in an intelligible form of the data undergoing processing and of any available information as to their source;
- (d) knowledge of the logic involved in any automated decision process concerning him or her.

#### *Right of rectification*

Under Article 14 of Regulation No 45/2001, the data subject shall have the right to obtain from the controller the rectification without delay of inaccurate or incomplete personal data.

To exercise the right of access or rectification, simply write to:

Directeur des ressources humaines  
et de l'administration du personnel  
Cour de justice de l'union européenne  
L-2925 Luxembourg

#### *Exemptions and restrictions of these rights*

Article 20 of Regulation No 45/2001 provides that the institution may depart from data quality, restrict the content of the information supplied to the individual, relating to whom the data were collected, restrict the rights of access to, rectification, blocking and erasure of the data, and may not erase or make anonymous traffic and billing data where such restriction constitutes a necessary measure to safeguard:

- (a) the prevention, investigation, detection and prosecution of criminal offences;

- (b) an important economic or financial interest of a Member State or of the European Communities, including monetary, budgetary and taxation matters;
- (c) the protection of the data subject or of the rights and freedoms of others;
- (d) the national security, public security or defence of the Member States;
- (e) a monitoring, inspection or regulatory task connected, even occasionally, with the exercise of official authority in the cases referred to in (a) and (b).

That provision also provides that in the event of such a restriction, you may be informed of the main reasons for that restriction and of your right of recourse to the European Data Protection Supervisor.