

Data Protection Statement

on processing personal data within the framework of recruitment at ESMA
- officials, temporary agents, contract agents

1. Identity and contact details of controller

ESMA, Head of Resources Department: HR.helpdesk@esma.europa.eu

2. Contact details of the DPO

ESMA DPO: DPO@esma.europa.eu

3. Purpose of the processing, categories of data and legal basis

ESMA collects and processes personal data for the purposes of recruiting staff to carry out its tasks and functions. The recruitment process involves the following steps:

a) the screening of the CVs / applications. *Data processed:* CVs, home/office address, email address, age, nationality, gender, languages spoken, educational background, work experience, skills/competencies, motivation to work at ESMA, information on disability, if expressly provided.

b) conducting tests and interview meetings. *Data processed:* responses provided during the interview and test and in case of on-site tests/interviews: legal entity and bank account forms/details (for the reimbursement of travel costs incurred).

c) for selected candidates: ID Card/Passport data for identification purposes. Pre-employment medical tests and criminal record are required to establish their suitability for the post. Health data related to pre-employment check are not disclosed to ESMA.

The legal basis for this processing operation is Article 5(1)(a) of the EUDPR in conjunction with Regulation No 2010/1095 and Articles 27-34 of the Staff Regulations of Officials and Articles 12-15 and 82-84 of the Conditions of Employment of Other Servants ('CEOS').

The legal basis for processing criminal records is further set out Articles 28 of the Staff Regulations and 12(2) of the CEOS.

The legal basis for processing health data is further set out Articles 28(e) and 33 of the Staff Regulations and Articles 12(2)(d), 13, 82(3)(d) and 83 of the CEOS.

4. Recipients of the personal data

The access to these personal data is strictly limited on need-to-know basis to ESMA staff involved in the relevant recruitment process. In case requested, personal data may be disclosed to Internal Audit Service of the Commission and the Court of Auditors, European Anti-Fraud Office, Court of Justice of the European Union, European Ombudsman, European Data Protection Supervisor.

5. Retention periods

Personal data kept by ESMA:

- a) Of non-recruited applicants whose names were put on the reserve list of applicants- 2 years following the expiry of the list's validity.
- b) Of non-recruited applicants – 2 years after the closure of the recruitment procedure.
- c) Of recruited applicants:
 - for staff members who during their service at ESMA have acquired EU pension rights, 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.

Personal data kept by ESMA's processors:

- a) Health data processed in the course of pre-employment check:
 - Commission medical services: files for applicants who are not recruited – 1 year. In the event of a negative medical opinion - 5 years if no complaint has been lodged.
 - IPC Étoile (France): The data are kept for the duration of 4 years.

6. Exercise of your rights as a data subject

To exercise your data subject rights you can address your requests to the Controller at HR.helpdesk@esma.europa.eu.

- a) You are entitled to access your information relating to your personal data processed by ESMA, verify its accuracy and, if necessary, correct it in case the data is inaccurate or incomplete.
- b) You have the right to request the erasure of your personal data, if your personal data is no longer needed for the purposes of the processing, if you withdraw your consent or if the processing operation is unlawful.
- c) You can ask the Controller to restrict the personal data processing, under certain circumstances, such as if you contest the accuracy of the processed personal data or if you are not sure if your personal data is lawfully processed.
- d) You may also object, on compelling legitimate grounds, to the processing of your personal data.
- e) Additionally, you may have the right to data portability which allows you to make a request to obtain the personal data that the Controller holds on you and to transfer it from one Controller to another, where technically possible.

You may contact ESMA's Data Protection Officer (DPO) at DPO@esma.europa.eu. Last, you have the right to have recourse to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) No 2018/1725 have been infringed as a result of the processing of your personal data by ESMA.