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Privacy Statement on Calls for Expression of Interest for Individual External Experts

This privacy statement, in line with Articles 15 and 16 of [Regulation \(EU\) 2018/1725](#)¹, provides information to the data subjects relating to the processing of personal data of individuals carried out by the European Union Agency for Law Enforcement Training (CEPOL) in fulfilling its tasks.

The purpose of this document is to describe how CEPOL complies with its obligations to protect personal data under Regulation (EU) 2018/1725 and to provide individuals with information about CEPOL's processing of personal data and their rights and obligations under the Regulation.

What is the purpose of the processing?

The processing concerns the management of the selection procedure for establishing a list of prospective individual external experts (call for expressions of interest, 'CEI') for carrying out tasks linked to 'ad personam expertise'. This shall include but not be limited to:

- providing expert advice / content expertise to CEPOL in the context of the CEPOL implemented activities (e.g. courses, seminars, conferences and e-learning), including capacity building projects;
- providing expert advice to the project teams on specific items such as the identification of training needs and content advice on specific sub-sectors,
- providing expert advice to CEPOL in relation to specific questions in the context of programme formulation, methodologies and/or implementation,
- assisting CEPOL in the peer review, feasibility studies and in the drafting of technical specifications, in the evaluation of procurement tenders, project follow-up and ex-post evaluation.

In addition, it covers the management of the contracts concluded with the experts (appointment letters, list of tasks, payments, reporting) and the implementation of the contract.

What is the legal basis for the processing of personal data?

Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA², in particular Articles 3 and 4;

Regulation (EU, Euratom) No 2018/1046³ of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, in particular Article 237;

Regulation (EU) No 2018/1725 and in particular Articles 5 (1)(a)(c)(d) and 25;

¹ 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, OJ L 295, 21.11.2018, p. 39–98.

² OJ L 319, 4.12.2015, p. 1

³ OJ L 193, 30.07.2018, p.1

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Management Board Decision 13/2019/MB of 21 May 2019 adopting the CEPOL Financial Regulation, in particular Article 93;

Management Board Decision 17/2019/MB laying down internal rules concerning the restriction of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of CEPOL;

Decision 52/2017/DIR of the Executive Director on the use of remunerated external experts for assisting CEPOL in the planning and implementing of its core business and projects.

Who is the data controller?

The data controller is the Head of Corporate Services Unit (HeadofCSU@cepol.europa.eu).

Who are the data subjects?

All natural persons applying to the CEIs.

Which types of data are being processed?

The following data of external experts is processed at various stages:

At the expression of interest and the selection stage:

- thematic areas of expertise;
- personal and contact information – information related to identity, gender, date of birth, place and country of birth, type of identity document and its number, nationality, address, contact details;
- banking details;
- education and training;
- professional experience (for each experience period: part time/full time, paid/unpaid, position, responsibilities, employer's name and address, reasons for leaving, business sector);
- examples provided by the candidates on how they meet each one of the selection criteria listed in the relevant CEI;
- relevant studies, papers, articles that the candidates have authored, co-authored or contributed to (if relevant);
- knowledge of languages;
- personal skills and competences;
- multicultural working/studying experience;
- reasons for applying;
- references (full name, contact details, business/occupation).

Some of these data are also processed for the purposes of concluding the expert contract (implementation) and for the purposes of payment and reimbursement.

At the implementation of the contract stage

- name;
- thematic areas of expertise.

At the payment of the fees and reimbursement of the travel expenditure stage (if the latter is applicable)

- request for payment/invoice;

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- supporting travel documents;
- calendar of days worked.

At the Evaluation and Award stages

- Name, surname, nationality and approved thematic area of the Expert.

How is data processed?

The processing of the data is mainly manual with certain steps involving electronic format as follows: a CEI to set up a list of external experts is published in the Official Journal of the EU and in the 'Procurement' webpage of the CEPOL website (<https://www.cepola.europa.eu/who-we-are/working-with-cepola/procurement>), along with its supporting documents (model expert contract, declaration of honour). The applicant submits an application either in pdf format via email at an address specifically indicated for each CEI or, as of 2020 via an electronic portal <https://cepola.tal.net> and provides all information by filling in the relevant documents. The candidates' data is stored in restricted access folders on the CEPOL shared computer drive and on the portal, where only the procurement staff and the members of the evaluation committee of the Call have access. An evaluation of the submitted applications takes place by an evaluation committee consisting of CEPOL staff members. The evaluation reports and the award decisions are stored in the above-mentioned restricted access folders on the CEPOL shared computer drive.

Who are the recipients of the data being processed?

- The Procurement Sector within the Corporate Services Unit, providing overall guidance and support throughout the procedure and later on throughout the contract life cycle;
- The members of the evaluation committee after signing a Declaration of confidentiality and of absence of conflict of interests;
- Staff of the Finance Sector and Procurement Sector –including the Accounting Officer–, in charge for the financial verification, budget commitments and payments;
- The Authorising Officer;
- CEPOL staff members involved in the organisation of the activities for which the experts are used for;
- CEPOL travel service providers in charge of travel and hotel arrangements (in relation to identification data);
- European Commission, DG Budget (in case any of the exclusion criteria envisaged under the Financial Regulation apply to the candidate external expert);
- CEPOL Internal Audit Panel and/or the Internal Control Officer (if relevant);
- EU bodies (if relevant): European Court of Justice, European Ombudsman, European Data Protection Supervisor, European Anti-Fraud Office (OLAF), Internal Audit Service of the European Commission, European Court of Auditors;
- Members of the public (regarding the name, thematic area and value of the contract of the experts), in accordance with the obligation to publish information on the outcome of the procurement procedures and on annual budget.

Is data transferred to third countries or international organisations?

The tasks described in the CEI may involve activities taking place outside of the European Union/European Economic Area, in the context of capacity-building projects implemented by CEPOL in third countries. As a result, transfer of some data (in relation to name and thematic

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area of expertise) to the respective counterparts of CEPOL takes place. In such cases, Chapter V of Regulation (EU) 2018/1725 in relation of personal data to third countries or international organisations applies. In particular, in absence of an adequacy decision, CEPOL controls whether any of the appropriate safeguards listed in Article 48 of Regulation (EU) 2018/1725 are in place. In absence of appropriate safeguards, CEPOL requests the explicit consent of the data subjects concerned, in line with Article 50(1)(a) of Regulation (EU) 2018/1725.

What rights do data subjects have?

Data subjects have the right to access their personal data and the right to request from the controller rectification or erasure of personal data. However, data can only be rectified as long as this does not call into question the decision awarding the contract and result in unequal treatment.

Data subjects can refuse and/or withdraw their consent with respect to further processing of their data. Data subjects have the right to request restriction of processing of personal data concerning them or to object to the processing of their data. In addition, where applicable, data subjects have the right to receive their personal data in a structured, commonly used and machine-readable format.

These rights of the data subjects cannot be exercised in way that is contrary or harmful to the aim of the procedure nor to its confidentiality.

Please note that this is without prejudice to potential application of Article 25 of Regulation (EU) 2018/1725 allowing restriction of certain rights of data subjects.

Substantiated requests should be emailed to the Head of CSU (HeadofCSU@cepol.europa.eu). The time limit to block/erase data on justified grounds at the request of data subjects is 15 working days from the date of receipt of such a request.

General requests can be emailed to the CEPOL Data Protection Officer at DPO@cepol.europa.eu.

How long is your data retained by CEPOL?

All personal data submitted in the application stage or related to the selection of experts are retained until the expiry date of the list resulting from the CEI. Personal data included in the expert list are retained until the date of expiry of this list.

In the case of experts who are awarded an expert contract, the personal data in the application are kept for 12 months following conclusion of the contract. The data relating to the implementation of the contract (e.g. the performance of the work and the payment made) are kept by CEPOL for 7 years after the date of payment to the expert.

Files might be retained until the end of a possible audit if one started before the end of the above periods.

Who should you contact for more information on the processing of your personal data by the Agency?

Data Protection Officer (DPO)

Within CEPOL, there is a data protection officer. This person is independently responsible for ensuring the internal application of Regulation (EU) 2018/1725 and that the rights and freedoms of the data subjects are not likely to be adversely affected by the processing

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operations. The DPO keeps a register of all processing operations of personal data carried out by the Agency.

The DPO also provides advice and makes recommendations on rights and obligations of data controllers and data subjects. CEPOL's DPO can be contacted at dpo@cepol.europa.eu.

European Data Protection Officer (EDPS)

The [European Data Protection Officer](#) is an independent supervisory authority with responsibility for monitoring and ensuring the application of data protection rules by EU Institutions and Bodies, which includes CEPOL. The EDPS provides advice to EU Institutions and Bodies on all matters relating to the processing of personal information and cooperates with national supervisory authorities to improve protection of personal information.

What should you do if you believe your data is being misused by the Agency?

If you believe your data is being misused by CEPOL, or that the processing is otherwise not compliant with your rights and freedoms under Regulation (EU) 2018/1725, you should notify the data controller, the Head of Corporate Services Unit (HeadofCSU@cepol.europa.eu).

You may also contact the Agency's DPO to inform him/her of any issues related to the processing of your data. If the problem is not rectified after contact with the data controller and DPO, every data subject has the right of recourse to lodge a complaint with the EDPS, as provided for by Article 63 of Regulation (EU) 2018/1725.