



## Privacy Statement for the Invigilated Remote Testing

This privacy statement, in line with Articles 15 and 16 of [Regulation \(EU\) 2018/1725](#)<sup>1</sup>, 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 under the Regulation.

### What is the purpose of the processing?

Personal data are collected and processed in order to recruit CEPOL staff members (especially TAs, CAs). The recruitment process has been impacted by the COVID-19 outbreak. Taking all the necessary precautions against the coronavirus, in particular by avoiding meetings with external participants (candidates) in recruitment campaigns, CEPOL amended its recruitment process by rolling out remote written tests instead of the standard ones carried out at CEPOL premises.

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

Regulation (EEC) No 31<sup>2</sup> laying down the Staff Regulations of Officials (SR) and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (CEOS) and the Implementing Rules thereof, in particular Articles 12 to 15 and 82 to 84 of the CEOS.

Regulation (EU) 2018/1725 and in particular Article 5 (a) and (b).

Decision of the Management Board 22/2019/MB On the general provisions for implementing Article 79(2) of the conditions of employment of other servants of the European Union, governing the conditions of employment of contract staff employed under the terms of Article 3a thereof.

Decision of the Governing Board 26/2015/GB on general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union.

### Who is the data controller?

The data controller is the Head of Corporate Services Department,  
[Headofcsd@cepol.europa.eu](mailto:Headofcsd@cepol.europa.eu)

<sup>1</sup> 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.

<sup>2</sup> OJ 45, 14.6.1962, p.1385

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### Who are the data subjects?

Candidates to CEPOL recruitment procedure in which remote written test is organised.

### Which types of data are being processed?

The following personal data are processed during the Remote Test:

- Contact details of the candidates: Name and email address.
- IP address and information on the computer used to take the assessment.
- ID of the candidates.
- Information for the evaluation of selection criteria or eligibility criteria: whatever knowledge or expertise reflected in candidates' reply.
- Answer to knowledge and skills based questions.
- Results obtained by the candidates.
- Language of testing.
- Video recording of the candidates, if applicable.

### How is data processed?

1. CEPOL HR sends the contact details of the shortlisted candidates to TestReach in the standard TestReach CSV format, according to the agreed test schedule via a unique secure upload link. No files are sent as e-mail attachments.
2. TestReach invites the candidates and handles all related communication to execute the invigilated tests;
3. TestReach executes the invigilated tests (see further below);
4. Within 5 working days of each exam, TestReach provides to CEPOL via a secure link to a folder the anonymised test transcripts (pdf and excel spreadsheets for individual questions where applicable). Each test transcript is the respective unique identifier (ID) as generated by TestReach for every candidate. TestReach provides to CEPOL a separate ID decoding file to be used by CEPOL at a later stage in line with its recruitment practices. Within 5 working days of each test, TestReach provides to CEPOL an Invigilation Report in the standard TestReach format on the execution of the remote written tests, including information on the total number of exams assigned, confirmed, submitted, unsubmitted (incl. candidates details and explanation), list of resumed exams (incl. candidates details and explanation), list of infringements raised (incl. candidates details and explanation). Within 5 working days of the test, TestReach provides to CEPOL video records for individual candidates taking their exam where an infringement has been raised. TestReach also provides video records of specific candidates sitting the invigilated remote written tests upon request by CEPOL within a period of 6 (six) weeks after the invigilated remote test.
5. CEPOL HR uploads the test results, Invigilation Reports and, where relevant, video records in its document management system and shares them with the Selection Committee members for assessment.

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### **TestReach Remote Invigilation description:**

In the process of remote invigilation, the experience of sitting an exam in a physical exam room is recreated in an online environment. During the exam the candidate is connected to a live supervisor over the web, using various technologies (video, audio, remote screen share and instant messaging) to ensure good communications and security. The remote invigilation is an integral part of the TestReach online application.

#### Stages in the Remote Invigilation Process:

- **Pre-Checks:** Running system checks in advance of the exam to ensure that the candidate's technical environment is all set to support a remotely invigilated exam. A standard laptop or desktop of the candidate connected to the internet is sufficient and no special hardware is required;
- **Candidate Authentication:** At exam time, verifying that the correct person has presented to sit the exam; The test supervisor will ask the candidate to show his/her ID card so that the supervisor compares the name on the ID with the name provided by CEPOL and verifies the identity of the candidate;
- **Securing the Environment:** Ensuring that the candidate is in a suitable environment in which to take the exam, without access to any sources of information that are not permitted;
- **Candidate Supervision:** Watching the candidate for the duration of the exam to ensure there are no infringements of the rules.
  - The Supervisor will intervene and warn the candidate in case a breach of the communicated test rules has been observed and ask the candidate to stop. If the candidate continues to do something suspicious, the supervisor will raise an infringement, which will be reported to CEPOL afterwards. The candidate has to acknowledge the infringement before they continue.
  - The supervisors will adhere to exam protocols that would be agreed with CEPOL in advance. There may be protocols for example, where in certain case, the exam will be closed immediately.
  - When candidates take an assessment on TestReach via the TestReach desktop app, TestReach automatically records the IP address, and other similar information about the computer used to take the assessment. TestReach records user access and activity data within their system (e.g. when the candidate logs in, when the candidate logs out, when the candidate answered a question, etc.) for audit-trailing and security purposes. When candidates use the TestReach Desktop App to take an assessment, TestReach may also record further information including details of other processes running, RAM and CPU usage statistics, installed drivers, peripherals on the computer and actions taken during the assessment.
  - TestReach also records a video of the candidate taking the test, taken from the candidate's own computer webcam. TestReach does this for the purposes of ensuring the integrity of the assessment process and the video may also be used for the purposes of helping TestReach to improve their application and the overall experience of candidates.
- **Reporting:** Notifying CEPOL in the Invigilation Report of any issues that arised during the exam (for example, if a candidate behaved in a suspicious manner or behaved in a way contrary to the exam rules). Within 5 working days of the test, TestReach provides video

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records for individual candidates where an infringement has been raised. Within a period of six weeks after the test, video records can be requested and reviewed by CEPOL. In case of such requests by candidates, they will be passed to CEPOL, who is the data controller.

#### Who are the recipients of the data being processed?

Designated CEPOL staff members, including HR Team, Selection Committee members and Legal officer in the event of legal procedure under Article 90 of the Staff Regulations.

External contractor – Data Processor (TestReach)

External lawyer contracted by CEPOL where necessary in the event of legal procedure under Article 90 of the Staff Regulations.

European Court of Auditors upon request and only if necessary for audit purposes; European Court of Justice, European Ombudsman, European Data Protection Supervisor upon request and only if necessary in the context of handling complaints.

#### Is data transferred to third countries or international organisations?

Not applicable.

#### What rights do data subjects have?

Data subjects have the right to access their personal data and the right to request from the data controller rectification or erasure of personal 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, data subjects have the right to receive their personal data in a structured, commonly used and machine-readable format.

Substantiated requests should be emailed to [Headofcsd@cepol.europa.eu](mailto:Headofcsd@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](mailto:DPO@cepol.europa.eu)

#### How long is your data retained by CEPOL?

##### **For CEPOL**

For successful candidates on the Reserve List: Data collected for the Invigilated Remote Testing (remote written tests answers) are stored in the recruitment file for a period of five years after the closing of the recruitment campaign. In case of a legal challenge, this date shall be extended until two years after completion of all relevant proceedings.

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For unsuccessful candidates who have not been retained for the Reserve List: Data collected for the Invigilated Remote Testing (remote written tests answers) can be kept until all appeal channels have been exhausted, incl. the time limits for appeal before the General Court of the Court of Justice of the European Union.

Invigilation Reports received will be retained in the relevant recruitment file for a period of five years after the closing of the recruitment campaign. In case of a legal challenge, this date shall be extended until two years after completion of all relevant proceedings.

Video records, where relevant, will be retained in the concerned recruitment file until all legal remedies have been exhausted, incl. the time limits for appeal procedure before the General Court of the Court of Justice of the European Union.

### **For the Processor (TestReach)**

CEPOL is the Data Controller and is responsible for the length of time during which personal information is retained. TestReach as Processor acts in accordance with the Data Controller's instructions and in compliance with the Regulation.

TestReach anonymises all personal data processed in such a way that the data is not traceable any longer within 2 weeks from the date of the invigilated written test upon the acknowledgement of receipt of the Invigilation Reports and the remote written test answers by CEPOL.

TestReach keeps the video records and the Invigilation Report for 6 weeks following the invigilated remote written test, after which TestReach deletes them.

Video records of individual candidates taking the exam where an infringement has been raised are provided to CEPOL within 5 working days of the test and other video records may be requested by the Data Controller within 6 weeks from the date of the test.

In that case, the Data Controller retains the video records according to time limits stated above for CEPOL.

### **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 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](mailto:dpo@cepol.europa.eu).

#### **European Data Protection Supervisor (EDPS)**

The [European Data Protection Supervisor](#) 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.

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### 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 is otherwise not compliant with your rights and freedoms under Regulation (EU) 2018/1725, you should notify the Head of Corporate Services Department, [Headofcsd@cepol.europa.eu](mailto:Headofcsd@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.