



EUROPEAN UNION RULE OF LAW MISSION IN KOSOVO PRIVACY STATEMENT – DATA PROTECTION NOTICE

FOR THE PURPOSE OF

**PROCESSING PERSONAL DATA RELATED TO RECRUITMENT, SELECTION
PROCEDURE AND ADMINISTRATIVE MANAGEMENT FOR LOCAL
CONTRACTED/INTERNATIONAL CONTRACTED, SECONDED STAFF AND
TEMPORARY STAFF IN THE EUROPEAN
UNION RULE OF LAW MISSION**

1. INTRODUCTION

THE PROTECTION OF YOUR PRIVACY INCLUDING YOUR PERSONAL DATA IS OF GREAT IMPORTANCE TO THE EUROPEAN UNION AND TO THE CSDP EUROPEAN UNION RULE OF LAW MISSION IN KOSOVO (HEREAFTER “EULEX KOSOVO”) WHEN PROCESSING PERSONAL DATA WE REFLECT THE PROVISIONS OF THE CHARTER ON FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION, AND IN PARTICULAR ITS ARTICLE 8 ON DATA PROTECTION. THIS PRIVACY STATEMENT DESCRIBES HOW EULEX KOSOVO PROCESSES YOUR PERSONAL DATA FOR THE PURPOSE IT HAS BEEN COLLECTED AND WHAT RIGHTS YOU HAVE AS A DATA SUBJECT.

YOUR PERSONAL DATA IS PROCESSED IN ACCORDANCE WITH THE PRINCIPLES AND PROVISIONS LAID DOWN IN THE PERTINENT LEGISLATION ON DATA PROTECTION, INCLUDING THE 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 AS OF 11 DECEMBER 2018, ALIGNED WITH THE PROVISIONS OF THE GENERAL DATA PROTECTION REGULATION (EU) 2016/679 AND IN ACCORDANCE WITH THE CIVOPSCDR INSTRUCTION 12-2018 AND WITH THE EULEX KOSOVO STANDARD OPERATING PROCEDURE(SOP) ON THE PROTECTION OF PERSONAL DATA .

THE MISSION AIMS AT IMPLEMENTING DATA PROTECTION FULLY IN LINE WITH THE STANDARDS SET OUT IN THE NEW LEGAL FRAMEWORK USING FLEXIBLE PRIVACY FRIENDLY TOOLS WITH APPROPRIATE SAFEGUARDS.

ALL DATA OF A PERSONAL NATURE - NAMELY DATA THAT CAN IDENTIFY YOU DIRECTLY OR INDIRECTLY - WILL BE HANDLED FAIRLY AND LAWFULLY WITH THE NECESSARY CARE.

2. PURPOSE OF THE PROCESSING OPERATION

The main purpose of the personal data processing activity is to manage selection, recruitment and human resources administration during the employment or assignment of local contracted, international contracted and seconded mission members as well as local and international interns. The Mission collects, manages and stores data related to candidates (both internal and external) who apply for the posts and data related to employed or assigned mission members and interns. In particular:

- to select and appoint the most suitable candidates for the posts in the Mission;
- to handle and store the results of evaluations and interviews at different stages of the selection process;
- to fulfil Mission obligations and guarantee mission member's rights.

3. DATA PROCESSED

The data, including personal data of the Head of Mission, seconded staff, international and local contracted, including temporary staff (e.g. interns) which may be processed for that purpose are the following:

- surname(s), middle name(s) and first name(s)
- date of birth
- gender
- nationality(s)
- country of birth and place of birth (city)
- contact details (such as email, phone number, address)
- military/police rank
- vacancy number and title
- personal data from application form such as educational and professional background, IT, and language skills (CV file)
- reference checks supplied by former employers, reference findings of the open source reference check

- interview evaluations
- test evaluations and completed test materials (e.g., completed written test, submitted work samples, recorded presentation videos)
- arrival date
- start and end date of contract/Tour of Duty
- position title and position reference number at EULEX
- department and equivalent
- location of deployment
- regime (seconded or contracted)
- group category (local, international and temporary staff)
- passport number, type of passport, passport valid until (copy of passport)
- photo
- declaration of residence (international contracted only)
- certificate of not having a criminal record (except seconded internationals and seconded interns)
- mission ID number
- grading and calculation of grading (local and international contracted staff members)
- salary / per diem / allowance (international staff members; local staff: interns)
- bank account details
- tax registration certificate: issue date, Copy of Personal ID(local contracted)
- insurance card number, insurance starting and ending dates
- beneficiaries (EULEX, Insurance Companies) – names and relation of dependents
- insurance enrolment of staff member's family members: name, date of birth, relation
- driving licence category, expiration date (copy of driving licence)
- security clearance level requirement
- supporting documents for different kind of leaves may include personal data of other persons than mission members such as birth certificate of a child, marriage certificate, certificate stating the health condition of the close relative
- performance evaluation reports – Performance & Development Process (PDP) and Probationary Period PER (PPP)
- decision on appeal of PDP, PPP
- redeployment information like dates, place
- extension documentation (request, approval, non-approval)
- resignation letters and decisions: notification date, requested resignation date and reasoning, approved resignation date with reasoning if applicable
- termination of the contract: reasoning, decision date and termination date, notification date
- national Contingent Leader and deputy appointments
- training certificates
- educational diploma/certificate
- confidentiality acknowledgement signed on check in and check out / declaration of conflict of interest and fraud
- acknowledgement of receipt: date when a Mission member was provided with information in regard with personal data protection at EULEX
- check in/check out form
- sick leave certificate data, limited to data of an administrative nature and not medical; when necessary, including travel arrangements in case of repatriation, emergency evacuation, and voluntary return home or to facilitate a "rotation" program for the purposes of staff members returning to the EU.

4. CONTROLLER OF THE PROCESSING OPERATION

The Controller determining the purpose and the means of the processing operation is the Mission (EULEX Kosovo). The service, i.e. the Mission section responsible for managing the personal data processing operation is the Human Resources under the supervision of the *Head of Mission* or the Deputy acting on his/her behalf.

5. RECIPIENTS OF THE DATA

The recipients of your data may be:

- Appointing Authority and Office of the Head of Mission
- CPCC.3 Missions Personnel; CiMA IT platform (basic personal data of all staff members)
- Other units within the Mission (as/if required and authorized)
- Internal Auditor
- External Auditors
- Insurance companies
- Kosovo Tax Administration

- The Kosovo Pension Saving Trust
- The non-resident locals Pension Funds respectively
- Banks (Local and International)
- Travel Agencies / Hotels (In case of a Duty Trip)
- Kosovo Ministry of Internal Affairs (Weapons Registration related)
- The EEAS.

The given information will not be communicated to third parties, except where necessary for the purposes and/or recipients outlined above.

6. **PROVISION, ACCESS AND RECTIFICATION OF THE DATA**

You have the right to access your personal data and the right to correct any inaccurate or incomplete personal data, as well as to request the removal of your personal data, if collected unlawfully, which will be implemented within one month after your request will have been deemed legitimate. If you have any enquiries concerning the processing of your personal data, you may address them to the functional mailbox: info@eulex-kosovo.eu

7. **LEGAL BASIS FOR THE PROCESSING OPERATION**

Legal basis in addition to the abovementioned data protection legislation:

- Council Joint Action 2008/124/CFSP, dated 04 February 2008 together with subsequent Council Joint Actions and Decisions amending and extending Joint Action 2008/124/CFSP, the latest being Council Decision (CFSP) 2021/904
- Revised Operational Plan (EEAS (2021/540 dated 18/05/2021)
- Civilian Operations Commander Instruction 12/2018 on the SOP on Personal Data Protection
- EULEX SOP on Personal Data Processing (2019/EULEX/0002-01)
- Contract of Employment
- Relevant Standard Operating Procedures (SOPs)
- The EEAS.

8. **TIME LIMIT FOR STORING DATA**

Retention of data in case of selected candidates:

- All personal data are organised in electronic compartments and stored only for the duration of employment/tour of duty of the Mission Members. On a proportionate basis and limited to the necessity certain categories of data are retained beyond the period of activity, to the extent until these data are in relation to remaining rights or obligations.
- Personal data related to the employment/secondment (listed under section '3. DATA PROCESSED') are retained **for 10 years** as of the termination of employment/assignment.
- When appropriate, personal data contained in supporting documents should be deleted, if possible, where these data are not necessary for further purposes, e.g., control, inspection, and audit.
- In case of a judiciary procedure related to employment of contracted staff or tour of duty of the seconded staff, personal data is kept **for 5 years** after the final judgment was rendered. In case of a complaint launched before the European Ombudsman, the EDPS or other competent authorities, personal data is kept **for 2 years** after the closure of the case.
- Personal data transferred in physical form to the EEAS will be retained by the EEAS for 50 years from the time the file is closed.
- Once the physical personal records have been transferred to the EEAS, the EEAS retention periods for the judicial proceedings related to the employment of contracted staff or the tour of duty of seconded staff will apply as relevant to the EEAS Privacy Statement for the purposes of processing Disciplinary Data of Mission Members of CSDP Missions.

In case of non-selected candidates the time-limit for storage of the data is set in relation to the time limits established for the possible review of the decision taken in the selection procedure. In the case of a litigation connected to a non-selection decision the HR recruitment file and the HR selection file shall be kept **no longer than 5 years** after the final decision/judgment had been issued.

Outline of Security Measures

Electronic Files: The collected personal data are stored on the servers that abide by the pertinent security rules. Personal data will be processed by assigned staff members. Files will have authorised access. Measures are provided to prevent non-responsible entities from accessing data. General access to all collected personal data and all related information is only possible to the recipients with a User ID / Password.

Physical Files: When not in use, physical copies of the collected personal data will be stored in a properly secured and locked storage container.

Technical and organisational measures are also guaranteed and the appropriate provisions on security in order:

- to prevent any unauthorised person from gaining access to computer systems; any unauthorised reading, copying, alteration or removal of storage media; any unauthorised memory inputs; any unauthorised disclosure, alteration or erasure of stored personal data; unauthorised persons from using data-processing systems by means of data transmission facilities;
- to ensure that authorised users of a data-processing system can access no personal data other than those to which their access right refers; the possibility to check logs; and that personal data being processed on behalf of third parties can be processed only on instruction of the controller; furthermore that, during communication or transport of personal data, the data cannot be read, copied, or erased without authorisation;
- to record which personal data have been communicated, at what times and to whom.

9. DATA PROTECTION CONTACT: MISSION DATA PROTECTION ADVISOR

In case you have questions related to the protection of your personal data, you can also contact the Mission Data Protection Legal Advisor (MDPA) at the functional mailbox of the mission: MDPA@eulex-kosovo.eu

10. RECOURSE

You have at any time the right of recourse that you may send to the Head of the Mission within the EULEX Kosovo, with the MDPA Legal Advisor in copy.