



EUROPEAN COMMISSION

PROTECTION OF YOUR PERSONAL DATA

This privacy statement provides information about the processing and the protection of your personal data.

Processing operation: *EU High Level Advisers Programme in Moldova*

Data Controllers:

- **The Directorate-General for Neighbourhood and Enlargement Negotiations - Directorate C Neighbourhood East & Institution Building - Unit C1 Georgia & Moldova (NEAR.DGA1.C1)**
- **The European External Action Service - the EU Delegation to the Republic of Moldova and EEAS EURCA.EAST.2 'Eastern partnership bilateral'**

Record reference: DPR-EC-00827

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1. Introduction

The European Commission (hereafter 'the Commission') and the European External Action Service (hereafter 'EEAS'), are committed to protect your personal data and to respect your privacy. The Commission and EEAS collect and further processes personal data pursuant to [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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controllers with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

The information in relation to processing operation ***EU High Level Advisers Programme in Moldova*** undertaken by the joint controllers is presented below.

2. Why and how do we process your personal data?

The EU High Level Advisers programme in Moldova aims to draw on the experience of expert senior officials in EU Member States to help Moldova meet its commitments related to agreements with the EU. The Commission and the EU Delegation in Moldova run the programme. A service provider helps to implement the programme in Moldova. The Commission and the Delegation select the candidate High Level Advisers (HLA) and after the endorsement by Moldovan authorities, the service provider recruits the HLA. In consultation with the Moldovan authorities, the service provider annually evaluates the HLAs on their performance. Following this, the Delegation decides whether to extend the HLAs' contracts. All this entails the processing of personal data by the Commission, the Delegation, the service provider and Moldovan authorities.

Purpose of the processing operation: *The joint controllers* collect and use your personal information to:

- select the candidate High Level Advisers (HLA) and after the endorsement by Moldovan authorities, the service provider recruits the HLA.
- evaluate the HLAs on their performance to decide on the extension of their contracts.
- ensure adequate visibility of the programme and share communication materials regarding the programme with a broader public, through a dedicated website associated to the programme - <https://eu-advisers.md/advisers> and associated events.

Recruitment of the HLAs

The selection process of the EU High Level Advisers is divided into two steps: first, shortlisting of candidates, and, second, interviews in order to be in position to propose one successful candidate to the Partner Country.

The current processing must guarantee full compliance with applicable data protection regulation in both stages.

The general procedure attributes the first stage of selection (shortlisting) to the European Commission (EC), Directorate General Neighbourhood and Enlargement Negotiations (DG NEAR), Unit NEAR C1 (Georgia, Moldova, Economic Investment Plan), and Unit NEAR C3

(Institution Building Unit – "IBU"), under the authority of the Head of Unit NEAR C1 acting as the Controller, Directorate Neighbourhood East, DG NEAR.

The second stage corresponds to the EU Delegation to the Republic of Moldova. There is an exceptional procedure where the EU Delegation to the Republic of Moldova carries out the selection procedure at both stages. Same rules shall apply to both procedures.

In order to recruit the experts for the EU High Level Advisers Programme in Moldova, DG NEAR C3 (IBU) launches a first call for applications for senior qualified professionals with significant experience in leading sectoral public policies and/or in managing public bodies at the highest level in a MS. If selected, the successful candidates will be remunerated through a contractual relationship that they will need to enter into with a service provider, which will be selected through a tender process issued by the EU Delegation to Moldova.

In the first instance, NEAR C1 requests NEAR C3 to ask IBU's Member State National Contact Points (MS NCPs) to circulate the job descriptions of the available positions to appropriate services and administration in their respective MS. The applications, consisting of the Curriculum Vitae (CV) of the expert, accompanied by a cover note indicating the position that is applied for and, possibly, some motivational considerations will be collected by the NCPs. The NCPs should check the applicants' credentials and verify that the Curricula Vitae (CVs) meets the minimum criteria as indicated in the job descriptions. Those applications cleared by the NCP should be sent to a functional mailbox established by IBU for the programme.

The CVs, cover notes, any supporting documents and an Excel summary list of candidates will be saved on the Drive of DG NEAR, with access limited to the country desk, a secretary in charge of the filing and the Head of Unit NEAR C1. Following the expiration of the deadline for applications, the CVs will be evaluated by panels comprising of the programme manager and selected NEAR staff members depending on the expertise being evaluated. Selected staff of EEAS or other Commission services may be invited to assist in the panels. The shortlisted CVs, cover notes and supporting documents will then be sent to the EU Delegation to Moldova for interviews to be held with the selected candidates.

The CVs, cover notes, any supporting documents and an Excel summary list of candidates will be saved on the Drive of EU Delegation, with access limited to the programme manager, a secretary in charge of the filing and the Head and Deputy Head of Operations Section. The CV of the successful candidate will be presented to the respective Moldovan administrations for final endorsement. The CVs, cover notes and any supporting documents of those candidates who were not successful at the interview stage or who were shortlisted but not interviewed will be retained for a period of two years and may be utilised again, in case vacancies arise in the HLA Programme.

EU Delegation may launch a call for expression of interest for limited number of vacancies (e.g. only one or two) and to manage the reception of CVs, shortlisting and interviews. In any case, previous paragraphs will apply for the management of the personal data.

Contract revision process

The contracts of the High Level Advisers will be revised annually on a compulsory basis through individual 360° evaluations carried out by the Service Provider where the views of the High Level Advisers, together with the views of the Contracting Authority and of the beneficiary will be consolidated for a fair judgement regarding the sector and the performance of the individual HLA. The evaluation, in accordance with Annex 2, Terms of Reference, Sections 2-3 on the specific work and project management of the Service Contract, as described in the High Level Advisers Manual, is implemented following the 360° methodology on the basis of the self-

assessment of the HLAs, incorporating the peer assessments and subsequently consolidating the views of the Contracting Authority and the views of the beneficiary. The expert, therefore, has the right to comment the final version of the individual evaluation. The renewal of the contracts of the individual experts is subject to positive appraisal in the relevant evaluation.

Communication activities related to HLA programme

Website:

For ensuring adequate visibility of the programme and share the communication materials regarding the programme with a broader public, DG NEAR, through its contractor, sets up and manages a website associated to the programme - <https://eu-advisers.md/advisers>.

Organisation of events related to HLA programme

The Controller may organise events/seminars/missions related to the EU high level advisers programme to ensure transparency and adequate visibility of the programme

Your personal data will not be used for an automated decision-making including profiling.

3. On what legal ground(s) do we process your personal data

We process your personal data, because:

- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body (Article 5.1(a) of Regulation (EU) 2018/1725);
- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract (Article 5.1(c) of Regulation (EU) 2018/1725);
- the data subject has given consent to the processing of his or her personal data for one or more specific purposes (Article 5.1(d) of Regulation (EU) 2018/1725);

The basis for the processing has been laid down in the following Union law:

For processing of personal data under Article 5(1)(a):

- Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ L 77, 15.3.2014, p. 27); Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action (CIR) (OJ L 342, 29.12.2015, p. 7);
- Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30–40);
- The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova (OJ L 260, 30.8.2014, p. 4–738) which aims to contribute to the strengthening of democracy and to political, economic and institutional stability in the Republic of Moldova;
- Commission Implementing Decision of 24.11.2016 on the Annual Action Programme 2016 in favour of the Republic of Moldova to be financed from the general budget of the European Union, whose annex 4 (Action Document for Technical Cooperation

Facility 2016) extends the support provided by the EU High Level Policy Advice Mission (EUHLPAM) to the period 2018-2021;

- For the service provider, the contracts signed by DG NEAR, through the EU Delegation to Moldova providing assistance to the implementation of the EU High Level Advisors' Mission to the Republic of Moldova;
- Regulation (EU, EURATOM) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation(EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).
- Article 11 of the Treaty on European Union and Article 15 of the Treaty on the Functioning of the European Union for the processing operations on personal data linked to the organisation, management, follow-up and promotion of the events related to HLA programme, necessary for the management and functioning of the Commission, as mandated by transparency provisions of the Treaties.

For processing of personal data under Article 5(1)(c):

- The processing of personal data of the HLAs and of the speakers for the events related to HLA programme, with whom a contract is concluded, is carried out in line with the contractual provisions pursuant to Article 5(1)(c) of Regulation (EU) 2018/1725.

For processing of personal data under Article 5(1)(d):

The data subject has given consent to the processing of his or her personal data for one or more specific purposes. The consent is used as a legal basis:

For HLAs:

- retaining the CVs and other material of non-successful candidates for further posts;
- publication of certain details of the High Level Advisors, photos and videos on the web page of the programme;
- dietary requirements and/or accessibility requirements for events;

For all participants to events related to HLA programme:

- dietary requirements and/or accessibility requirements
- publication of photos and videos on the website page of the programme

For web visitors:

- cookie consent mechanism, allowing the visitors to accept or refuse the cookies.

The processing operation concerns the following special categories of data:

Data related to meal preferences, dietary requirements or specific access requirements: as a rule, no special categories of personal data are collected for the purposes of organizing events related to HLA programme. However we may have to process sensitive information which could include meal preferences, dietary requirements or specific access requirements that may inadvertently reveal religious or philosophical beliefs or health status of individuals. The processing of such sensitive information will be carried out only on the basis of the data subject's consent.

Data related to fit to work certificate, medical certificates and medical insurance are processed for the purposes of carrying out the obligations and exercising specific rights of the controllers or of the data subject in the field of employment and social security and social protection law insofar as it is authorised by Union law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

The processing might entail submission by the HLAs (who have accepted the position following official notification from EU Delegation) of a certificate that they are fit to implement their obligations under the contract and a medical insurance. This way the contracting authority ensures the health, safety and welfare of the data subjects and ensures the protection of EU funds by confirming that the HLAs can implement their obligations. On the other hand, the Service provider complies with its obligation of proper implementation of the contract. Personal data related to fit to work certificate, medical certificates and medical insurance, in case collected by the Service Provider, are determined by the Service Contract pursuant to Art. 13. Paragraph 1 of the General Conditions to the contract. This processing falls under Record - DPR-EC-01706 - DG NEAR External action procurement and grant award procedures, contract execution and grant implementation under direct management, indirect management by partner (ENI)/beneficiary (IPA) countries and shared management with Member States (cross-border cooperation).

4. Which personal data do we collect and further process?

In order to carry out this processing operation the joint controllers collect the following categories of personal data:

I. Data, including personal data, processed in the framework of the selection, recruitment and administrative management

- Identity data (e.g. name, nationality, etc.)
- Contact details (e.g. address, email, etc.)
- Data (including personal data) in Curricula Vitae (CV; e.g. work experience, education and training, job related skills and competences, etc.)
- Personal data in Cover Letters
- Personal data in supporting documents submitted by candidates
- Personal data in Declarations of conflict of interest prior to recruitment
- Bank account references of the High Level Advisers (bank account holder, account number, bank name/branch/address, Swift Code), provided by the High Level Advisers at signature of their respective contracts for payment of their monthly salary invoices by the Service Provider.
- Personal data related to the annual individual 360° evaluation on a compulsory basis carried out by the Service Provider and consolidated with the views of the Contracting Authority and of the beneficiary in order to renew the HLA contracts. (Description of the evaluation is under Section 2.1 - Contract Revision process.)
- Personal data related to fit to work certificate, medical certificates, medical insurance collected by the Service Provider determined by the Service Contract pursuant to Art. 13. Paragraph 1 of the General Conditions to the contract.
- Contact details and relevant personal data of panel members

The data indicated above are collected from the following individuals: The candidates, the successful candidates and their relevant dependant relatives (as per the Declaration of Interest), members of the evaluation panels.

II. Data, processed in the framework of events related to HLA programme

- function/title; first name; last name; name of organisation; city; country; email address; telephone number; nationality; passport or identity card number, its date of issue and expiry date.
- In the context of a specific event, financial information (such as a payment card number or bank account) may be collected for the payment of fees of the event or for possible reimbursements.
- In the context of a specific event, sensitive information (which could include meal preferences, dietary requirements or specific access requirements) could be collected.
- Audio-visual material processed only in case the contractor provides the audio-visual documentation related to the project to the Delegation
- Photos / pictures, presentations, live web streaming and/or audio and video recording of the EU High Level Advisers Programme in Moldova

The data indicated above are collected from participants to events

III. Internet Protocol address (IP address) or device ID of the device used to access the website.

The data indicated above are collected from web visitors.

5. How long do we keep your personal data?

The joint controllers only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely:

For applicants recruited:

- The controller is under obligation to transfer the files containing personal data to the archives of the Commission for a period of ten years following the closure of the contract entered into between the EU Delegation to Moldova and the service provider contracted to run the EU High Level Advisers in Moldova Programme, to allow for historical, statistical and reference purposes, in line with the common Commission-level retention rules for the European Commission files
- The Processor has a contractual obligation to retain the data for a period of 7 years following the closure of the contract between the EU Delegation to Moldova and the Service Provider.

For non-recruited applicants:

- The controller retains the files containing personal data for a period of 2 years following the recruitment procedure.

For applicants not successful at the interview stage or who were shortlisted but not interviewed:

- The controller retains their files for two years and may be used again in cases where vacancies arise.

IP address and device ID:

- Immediate deletion at connection closing.

Personal data of the HLA published on the website (Photos, videos, short biography of the HLA)

- The Processor will retain the data for the entire duration of the High Level Advisers' mission, until closure of the contract between the EU Delegation to Moldova and the

Service Provider (as the operation and update/maintenance of the project's website is a contractual / ToR) requirement), and as long as each individual HLA is part of the EU HLA Mission.

Personal data processed for the purpose of organisation and management of the event related to HLA programme (this includes the information given during the registration, before, during or after the event)

- 5 years after the last action in relation to the event

Sensitive personal data processed for the purpose of organisation and management of the event related to HLA programme: to dietary requirements, accessibility

- 1 month after the end of the meeting/event

Personal data collected to issue badges in order for the data subjects to gain access to Controllers buildings

- 6 months after the termination of the link between the data subject and the Controllers

6. How do we protect and safeguard your personal data?

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored either on the servers of the European Commission and of its contractors. All processing operations are carried out pursuant to the [Commission Decision \(EU, Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

The Commission's contractors are bound by a specific contractual clause for any processing operations of your data on behalf of the Commission, and by the confidentiality obligations deriving from the transposition of the General Data Protection Regulation in the EU Member States ('GDPR' [Regulation \(EU\) 2016/679](#)).

In order to protect your personal data, the Commission has put in place a number of technical and organisational measures. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

7. Who has access to your personal data and to whom is it disclosed?

Access to your personal data is provided to the Commission and EEAS staff responsible for carrying out this processing operation and to authorised staff according to the "need to know" principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

INTERNAL

- Assigned EC staff from DG NEAR (both HQ and EU Delegation to Moldova) or other DGs, including the pre-selection panel members.
- Staff of OLAF, IDOC, IAS (Internal Audit Services), the Legal Service of the Commission as well as staff of other DGs (SG, DG BUDG and clearinghouse) upon request necessary in the context of official investigations or for audit purposes.

- Please note that pursuant to Article 3(13) of the Regulation, public authorities (e.g. Court of Auditors, EU Court of Justice) which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients. The processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

EXTERNAL:

- Assigned personnel in EU Delegation (not NEAR staff) to the Republic of Moldova, including interview Panel members;
- Assigned EEAS HQ staff, including the pre-selection panel members;
- The Main Beneficiary of the project (State Chancellery of the Republic of Moldova) and specific counterpart of each EU High Level Adviser (e.g. Ministry of Finance, Ministry of Internal Affairs, Parliament of the Republic of Moldova, etc.)
- IBU's National Contact Points (NCP) in each Member State;
- Staff of the Service Provider of the relevant technical assistance project providing support to the deployment of the High Level Advisers' mission;
- Staff of the Service Provider's subcontractor responsible to set up the websites and engaged in creation, maintenance, management, and archiving of the website who has access on a need-to-know basis to the log files of the website.
- General public – for the personal data published on the dedicated website: <https://eu-advisers.md/>.

When accessing the website, the contractor receives as an essential technical requirement the Internet Protocol address (IP address) or device ID (e.g. IMEI numbers or WiFi MAC addresses) of the device used to access the website. The IP can be device-specific or Internet service provider-specific, depending on a configuration beyond the control of the contractor. No such data are stored by the contractor.

When browsing the website small data files called cookies may be placed on the visitor's device. These data files are in the vast majority set by the visited website, also known as "First party cookies", and their purpose is to enable the site to store visitor preferences, make the websites operational and gather anonymous analytics data for a certain period of time. Depending on the nature of the cookie, consent may be needed to place them on the visitor's device. The website implements a cookie consent mechanism, allowing the visitors to accept or refuse the cookies.

Enabling these cookies is not strictly necessary for the website to work but it will provide the data subjects with a better browsing experience. They can delete or block these cookies, but if they do that, some features of the website may not work as intended.

Third party IT tools

In order to protect the data subjects' privacy, the links on our website to third party IT tools to which data subjects can connect - Google Analytics, AddThis, Yandex Metrica - do not set cookies when our website pages are loaded on a data subject's device, nor will the data subjects be immediately redirected to those other websites.

Importantly, in order to view such third-party content on our website, a message will alert the data subject that he/she needs to accept those third parties' specific Terms and Conditions, including their cookie policies, over which the Commission has no control.

Each third party IT tool has its own policy on the way it processes personal data when data subjects access it. We recommend that users read the third parties' privacy policies, before

using those third party IT tools. Their privacy policies explain each company's policy of personal data collection and further processing, their use of data, users' rights and the ways in which users can protect their privacy when using these services.

The use of third party IT tools does not in any way imply endorsement of them or their privacy policies by the European Commission. In the event that one or more third party IT tools are occasionally unavailable, the Commission accepts no responsibility for lack of service due to their downtime.

Data of the selected HLAs is transferred to the relevant authorities of the Republic of Moldova for their endorsement.

The joint controllers will transfer your personal data based on Articles 50(d) of Regulation (EU) 2018/1725 - the transfer is necessary for important reasons of public interest.

The main Beneficiary of the project (State Chancellery of the Republic of Moldova) and specific counterpart of each EU High Level Adviser (e.g. Ministry of Finance, Ministry of Internal Affairs, Ministry of Environment, Parliament of the Republic of Moldova, etc.) will receive only the CV and cover letter of the proposed candidate to the position by the Evaluation Committee.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

8. What are your rights and how can you exercise them?

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing, and the right to data portability. There is an obligation of notification regarding rectification or erasure of personal data or restriction of processing.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a) on grounds relating to your particular situation.

Restrictions to the data subjects' rights might apply, in the context of processing of personal data subject to the duty of DG NEAR to inform the European Anti-Fraud Office ("OLAF") under Article 8(1) of Regulation (EU, Euratom) No 883/20

In certain circumstances, it is necessary to reconcile the rights of data subjects pursuant to Regulation (EU) 2018/1725 of the European Parliament and of the Council with the needs of investigations and confidentiality of exchanges of information with the competent public authorities, as well as with full respect for fundamental rights and freedoms of other data subjects. To that effect, Article 25 of that Regulation provides with the possibility to restrict the application of Articles 14 to 22, 35 and 36, as well as Article 4 thereof, insofar as its provisions correspond to the rights and obligations provided for in Articles 14 to 22.

Commission Decision (EU) 2018/1962 of 11 December 2018 laying down internal rules concerning the processing of personal data by the European Anti-Fraud Office (OLAF) in relation to the provision of information to data subjects and the restriction of certain of their rights in accordance with Article 25 of Regulation (EU) 2018/1725 of the European Parliament and of the Council C/2018/8654 (OJ L 315, 12.12.2018, p. 41) encompasses the processing of personal data contained in information which the Commission's services are required to transmit to OLAF. Where Commission services processes personal data in instances referred to in Article 1(3) of

the Commission Decision (EU) 2018/1962, they may, where necessary, apply restrictions in accordance with this decision.

For the processing activities carried out based on your consent, you can withdraw it at any time by notifying the joint controllers. The withdrawal will not affect the lawfulness of the processing carried out before you have withdrawn the consent.

You can exercise your rights by contacting the joint controllers, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

9. Contact information

- The Joint Controllers

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the joint controllers:

NEAR-EU-HIGH-LEVEL-ADVISERS@ec.europa.eu.

- The Data Protection Officer (DPO)

You may contact the Commission Data Protection Officer (DATA-PROTECTION-OFFICER@ec.europa.eu) or the EEAS Data Protection Officer (data-protection@eeas.europa.eu) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

- The European Data Protection Supervisor (EDPS)

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

10. Where to find more detailed information?

The Commission Data Protection Officer (DPO) publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You may access the register via the following link: <http://ec.europa.eu/dpo-register>.

This specific processing operation has been included in the DPO's public register with the following Record reference: [DPR-EC-00827](#).