EUROPEAN PERSONNEL SELECTION OFFICE MANAGEMENT BOARD DECISION No 1/2026

of 20 October 2026

on the use of automated individual decision-making in the context of online tests

(C/2026/…)

THE MANAGEMENT BOARD OF THE EUROPEAN PERSONNEL SELECTION OFFICE,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Decision 2002/620/EC of the European Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of the Regions and the European Ombudsman of 25 July 2002 establishing the European Communities Personnel Selection Office – Declaration by the Bureau of the European Parliament [1], and in particular Article 2(1) thereof,

Having regard 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC [2], and in particular Article 24 thereof,

Whereas:

(1) Article 24 of Regulation (EU) 2018/1725 provides that data subjects have the right not to be subject to a decision based solely on automated processing, except where authorised by Union law and subject to appropriate safeguards.

(2) The European Personnel Selection Office ('the Office') organises selection procedures, including online tests, for the recruitment of officials and other servants of the European Union. The integrity, security and fairness of those tests are essential to ensuring equal treatment of candidates and the reliability of selection procedures.

(3) During an online test, predefined testing rules may not be complied with or the integrity or security of a testing session may otherwise be at risk. Where not otherwise possible to prevent or contain such risks, the use of an automated measure consisting in the termination of the testing session may be necessary.

[1] OJ L 197, 26.7.2002, p. 53, ELI: http://data.europa.eu/eli/dec/2002/620/oj.
[2] OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj.

(4) Such measure may significantly affect a candidate within the meaning of Article 24 of Regulation (EU) 2018/1725. It is therefore appropriate to establish the legal basis for its use and the safeguards applicable to candidates.

(5) Automated individual decision-making should be limited to clearly defined, objective and verifiable circumstances and be necessary and proportionate to protect the integrity, security or fairness of the online test. Automated termination should be a measure subject to review according to the conditions defined in this Decision.

(6) Candidates should be informed of the use and purpose of automated individual decision-making, the circumstances in which it may be applied, and its possible consequences. They should have an effective opportunity to contest an automated measure and obtain human intervention and subsequent review by qualified staff of the Office. The decision whether to overturn the automated termination and apply appropriate remedial measure should be taken by the Office. The decision to confirm the automated termination and disqualify the candidate, should be taken by the selection board of the competition.

(7) Human review should be substantive and should take account of the individual circumstances and relevant information or evidence submitted by the candidate. Where an automated measure is found to be erroneous, appropriate remedial measure should be available. The automated termination of a test should not, in itself, constitute exclusion from the competition.

(8) The automated individual decision-making covered by this Decision should not be based on the processing of special categories of personal data referred to in Article 10(1) of Regulation (EU) 2018/1725. The Office should implement appropriate technical and organisational measures to ensure the reliability of the automated individual decision-making mechanism, should monitor its operation and address any errors or vulnerabilities.

(9) Detailed operational arrangements should be laid down in the applicable Notice of Competition, Call for Expressions of Interest or testing instructions, without restricting the safeguards established by this Decision. This Decision is without prejudice to any other rights and remedies available under Union law,

HAS DECIDED AS FOLLOWS:

Article 1

Purpose and principles

1. This Decision constitutes the authorisation, within the meaning of Article 24(2)(b) of Regulation (EU) 2018/1725, for the use by the Office of automated individual decision-making during online tests.

2. Such decision-making will be used only where necessary and proportionate to ensure the integrity and security of the test and the equal treatment of candidates. It shall be based on predefined, objective and verifiable testing rules and conditions.

Article 2

Scope of automated individual decision-making

1. An individual decision by automated means may occur during an online test in an open competition or a CAST selection, where a predefined testing rule or condition is not complied with.

2. Such decision-making shall be limited to the termination of the testing session.

3. The circumstances triggering such measure are set out exhaustively in this Article, and shall be communicated to candidates in accordance with Article 4. They shall be limited to events objectively affecting the integrity, security or controlled conditions of the testing, namely:

(a) the revocation by the candidate of camera or microphone permissions required for the testing;

(b) the testing page becoming unresponsive due to the failure of a background script required for the proper functioning of the testing environment;

(c) the connection of an additional display where the testing instructions require the use of a single display;

(d) an attempt to download a file during the testing where the testing instructions prohibit downloads;

(e) the loss of connection to the proctoring environment for a continuous period of two minutes; an attempt to access or modify the testing page through developer tools, page inspection or equivalent technical means;

(f) the closing or reloading of the testing tab;

(g) a change of network connection during the testing;

(h) the use of a proxy during the testing where such use is prohibited by the testing instructions;

(i) navigation away from the testing page;

(j) the uninstallation or disabling of the proctoring browser extension;

(k) the termination of screen recording where screen recording is required by the testing instructions;

(l) leaving full-screen mode where the testing instructions require the candidate to remain in full-screen mode.

4. Cases in which assistive technologies used by candidates requiring special accommodation are incompatible with the proctoring tool fall outside the scope of this Decision.

Article 3

Nature of automated measure

1. An automated termination shall consist solely of the termination of the testing session and shall be subject to human review in accordance with Article 6.

2. An automated termination shall not, in itself, constitute exclusion from the competition or disqualification of the candidate. Any decision to confirm the automated termination and disqualify the candidate shall be taken by the selection board of the competition in accordance with Article 6.

Article 4

Information to candidates

1. Before participating in an online test to which this Decision applies, candidates shall be informed, in clear and plain language, that automated individual decision-making will be used. Such information shall be provided in the applicable Notice of Competition, Call for Expressions of Interest or in the testing instructions.

2. The information shall specify, at least:

(a) the purposes of the individual automated decision-making;

(b) the relevant rules and conditions the breach of which will trigger an automated measure;

(c) the automated measure and its consequences;

(d) the right to contest a measure and to obtain human intervention and subsequent review;

(e) the applicable procedure and time limits; and

(f) the remedial measure available where a measure is found to be erroneous.

3. Where an automated measure is applied, the candidate shall be informed immediately of the measure, the fact that it was taken by automated means and, to the extent necessary to understand and contest it, the reasons for the measure, including the relevant rule or condition that was not complied with.

Article 5

Right to contest

1. A candidate subject to an automated measure shall have the right to contest it by way of the technical complaint procedure and the appeal procedures defined in the applicable Notice of Competition or Call for Expressions of Interest.

2. The applicable Notice of Competition, Call for Expressions of Interest or testing instructions shall specify the complaint procedures and time limits.

Article 6

Human intervention and review

1. A candidate subject to an automated measure shall have the right to human review of the automated termination by qualified staff of the Office.

2. Based on the review referred to in paragraph 1, qualified staff of the Office shall decide whether to overturn the automated termination and apply appropriate remedial measure in accordance with Article 7, or propose to confirm the automated termination. At a later stage, the selection board of the competition shall decide whether to confirm the automated termination where applicable and disqualify the candidate from the competition.

3. The review referred to in paragraph 1 shall take into account the circumstances triggering the measure, the operation of the automated mechanism, information or evidence submitted by the candidate and any other relevant information. It shall not be limited to verifying compliance with the technical specifications of the mechanism.

4. The candidate who lodged a complaint shall be informed of the outcome of the review and the reasons on which it is based, within the deadline referred to in Article 14(3) of Regulation (EU) 2018/1725. The decision of the selection board shall be communicated to the candidates no later than the date on which the results of the competition are communicated.

Article 7

Remedial measure

1. Where human review establishes that an automated measure resulted from an error attributable to the automated individual decision-making mechanism or its operation, appropriate remedial measure shall apply.

2. Where an erroneous termination prevented a candidate from completing the test, the candidate shall be offered the possibility to re-sit it under equivalent conditions.

Article 8

Special categories of personal data

The automated individual decision-making covered by this Decision shall not be based on the processing of special categories of personal data referred to in Article 10(1) of Regulation (EU) 2018/1725.

Article 9

Safeguards

1. Whenever the automated individual decision-making under this Decision is used, the following safeguards and requirements shall apply:

(a) the automated termination is based on predefined rules and objectively verifiable conditions;

(b) the automated individual decision-making mechanism operates reliably, consistently and securely, minimises erroneous outcomes, and enables any systematic errors or disproportionate effects to be identified and addressed;

(c) where technically feasible the automated termination is subject to a prior warning that allows the candidate to remedy the situation within a short period of time before the automated termination applies;

(d) the basis and circumstances of the automated termination are recorded and reviewed;

(e) the confidentiality, integrity and availability of relevant information and records of the automated individual decision-making is protected;

(f) effective human intervention and review of the automated termination is provided;

(g) the person carrying out the human intervention or review shall have the authority and competence to examine the relevant circumstances and to modify or reverse the automated decision;

(h) the data subject shall have the right to express their point of view on the automated decision and to contest it.

2. The Office shall ensure that the technical and organisational measures used for automated decision-making comply with the safeguards laid down in paragraph 1.

Article 10

Governance and oversight

1. The Office shall remain responsible for ensuring that automated individual decision-making under this Decision complies with Regulation (EU) 2018/1725 and this Decision and shall ensure appropriate oversight of its implementation and operation.

2. The Office shall periodically assess the operation of the mechanisms, document the results of that assessment and take corrective measures where necessary.

Article 11

Review

The Office shall periodically review this Decision in the light of relevant legal, technological and operational developments, as well as implementation experience.

Article 12

Entry into force

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 20 October 2026.

For the Management Board

The Chair

Gilles GUILLARD