Republic of Latvia

Cabinet

Regulation No. 478

Rīga, 15 October 2019

**Regulations Regarding the Selection of Candidates for the Office and the Removal from the Office of the Director of the State Data Inspectorate**

*Issued pursuant to*

*Section 6, Paragraph three and Section 9, Paragraph two of the Personal Data Processing Law*

**I. General Provisions**

1. The Regulation prescribes:

1.1. the conditions and procedures for the application of candidates for the position of the Director of the State Data Inspectorate (hereinafter – the Inspectorate);

1.2. the procedures for the selection and evaluation of candidates;

1.3. the procedures for the establishment, operation, and decision-making of the Commission for the selection of candidates and for the evaluation of the removal from the office of the Director of the Inspectorate (hereinafter – the Commission).

2. The State Chancellery shall inform the members of the Commission, associations and foundations referred to in Section 6, Paragraph four of the Personal Data Processing Law which act in the field of human rights or data protection (hereinafter – the associations and foundations) of the establishment of the Commission and the time period for delegating representatives for work in the Commission.

3. The State Chancellery shall announce an open competition for the position of the Director of the Inspectorate (hereinafter – the competition) and shall determine a period of 30 days for the submission of the documents referred to in Paragraph 20 of this Regulation. If necessary, the deadline may be extended, but not longer than by10 days.

4. The competition will take place in three rounds.

5. The State Chancellery shall ensure the support of independent human resources selection experts in the selection of candidates for the office of the Director of the Inspectorate. Human resources selection experts shall carry out research of the labour market and recruitment, initial examination of curriculum vitae (CV) and reputation of candidates, participate in meetings of the Commission, evaluate the management competencies of candidates, collect references, provide feedback to candidates, and prepare an individual development plan for the candidate nominated for approval to the office.

6. The information received for the work needs of the Commission and created by the Commission shall have the status of restricted access.

**II. Activity and Decision-making of the Commission**

7. The Chairperson of the Commission shall convene an action planning meeting after announcement of the competition. At the action planning meeting:

7.1. an agreement on the timetable of the work of the commission shall be reached;

7.2. decisions on other issues related to the work organisation of the Commission shall be made.

8. The Commission shall take decisions at the Commission meetings. The Commission meetings shall be chaired by the Chairperson of the Commission. The Commission meetings may take place in person, remotely (using videoconferencing devices), or electronically.

9. The Commission meetings shall be closed.

10. Minutes shall be taken during the meetings of the Commission. The minutes shall be signed by the Chairperson of the Commission.

11. The course of the Commission meeting may be recorded using sound recordings or other technical means. The use of technical means shall be noted in the minutes of the Commission meeting.

12. A member of the Commission who does not agree with or wishes to supplement the decision of the Commission shall express his or her individual opinion at the time of the meeting. The individual opinion shall be included in the minutes.

13. The Commission is entitled to decide if at least three members of the Commission with voting rights, including the Chairperson of the Commission, participate in the Commission meeting and the taking of decisions.

14. The Commission shall take decisions by a majority vote. If the number of votes is divided equally, the chairperson of the commission shall have the casting vote.

15. Each member of the Commission, and also the authorised representative of the associations and foundations shall certify that there are no circumstances in which they would be interested in the selection of a particular candidate, and shall undertake not to disclose restricted access information that becomes known to them during the course of the competition.

16. A member of the Commission shall not take part in the taking of a decision if there is a potential conflict of interest.

17. The opinion of the authorised representatives of the associations and foundations shall be of a recommendatory nature.

18. Experts may be invited to a Commission meeting. The opinion of experts shall be of a recommendatory nature.

**III. Announcement of a Competition**

19. On the basis of a Cabinet decision on the announcement of a competition, the State Chancellery shall ensure the publication of the competition advertisement in the official gazette *Latvijas Vēstnesis*, the State Employment Agency vacancy portal (www.cvvp.nva.gov.lv), the website of the Cabinet (www.mk.gov.lv), and social networks.

20. In order to apply for a competition, the candidate shall submit the following documents to the State Chancellery:

20.1. an application letter for participation in the competition (not more than 3500 characters in computer writing), indicating the motivation for taking the vacant office and their vision of the operational priorities, development of the Inspectorate, and the improvement of the data monitoring activities of natural persons in Latvia;

20.2. the curriculum vitae of the candidate (hereinafter – the CV) which includes information attesting conformity with the requirements referred to in the advertisement for the selection competition;

20.3. copies of the documents attesting the education;

20.4. a copy of the document attesting the proficiency in the official language if the Latvian language is not the mother tongue and the person has not previously worked in the authorities referred to in Section 6, Paragraph one of the Official Language Law;

20.5. a self-assessment of the proficiency in at least two foreign languages (to be included in the CV);

20.6. a statement on the compliance with the requirements laid down in the laws and regulations in order to receive a second level personnel security clearance for access to an official secret (to be included in the application letter).

21. In order to ensure the conformity assessment of the candidate, the Commission, if necessary, is entitled to request that the candidate presents the original documents and submits additional documents or information.

**IV. Course of the Competition**

22. The Commission shall, in the first round of the competition, evaluate the conformity of candidates with the requirements laid down for the office of the Director of the Inspectorate.

23. Candidates who do not meet the requirements laid down for the office of the Director of the Inspectorate shall be rejected.

24. The second round of the competition shall be a face-to-face interview and a presentation of the vision of the priorities of the Inspectorate. In order to have an in-depth evaluation of the conformity of candidates nominated for the second round of the competition with the requirements laid down for the office, the Commission shall:

24.1. interview the candidates, establishing their motivation for taking the vacant office;

24.2. listen to the vision of the candidate of the operational priorities and development of the Inspectorate;

24.3. ask questions in order to evaluate the professional qualification and practical work experience of the candidate in the area of data protection and the office of the head;

24.4. evaluate the communication, reasoning, and presentation skills of the candidate;

24.5. invite the candidate to demonstrate the knowledge of two foreign languages by answering two of the questions in a foreign language.

25. The vision of the candidate of the priorities and development of the Inspectorate shall be evaluated by each member of the Commission on a five-point scale according to the evaluation criteria (Annex 1).

26. The communication, reasoning, and presentation skills of the candidate shall be evaluated by each member of the Commission on a five-point scale according to the defined action indicators (Annex 2).

27. The State Chancellery shall compile the evaluations of the members of the Commission and calculate the total evaluation of each candidate in each criterion. The total evaluation shall be calculated by adding the number of points assigned by all members of the Commission to each candidate and dividing it by the number of members of the Commission who participated in the evaluation. The result obtained shall be rounded up by indicating the value to the hundredths of the number after the comma (for example, five, comma, twenty-five).

28. If the evaluation of the Commission assigned to the candidate is at least three points in all criteria of the second round, the candidate shall be invited to the third round – the evaluation of the competences.

29. If the candidate is nominated for the third round, the Chairperson of the Commission shall request the State Security Service to provide an opinion on his or her conformity with the requirements laid down in laws and regulations in order to receive a second level personnel security clearance for access to an official secret.

30. In the third round of the selection, two independent human resources selection experts attracted by the State Chancellery shall, with the participation of a representative of the State Chancellery, assess the management competencies of the candidate, using at least two evaluation methods, including an interview. An interview for the evaluation of the management competencies of the candidate may be recorded by means of sound recording or other technical means. The competencies are assessed according to the description of the competencies (Annex 3).

31. Both human resources selection experts shall prepare a joint evaluation of the management competencies of each candidate in writing.

32. The following management competencies of the candidate shall be evaluated:

32.1. change management (critical competence);

32.2. decision-making (critical competence);

32.3. strategic vision;

32.4. team leadership;

32.5. achievement of results.

33. The evaluation of the management competencies of the candidate shall be considered to be inadequate if any of the critical management competencies has been assessed with “good” or any of the other management competencies has been assessed with “needs improvement”.

34. Prior to taking the decision on nomination of the candidate for approval to the office of the Director of the Inspectorate, the State Chancellery has the right to collect the references of the previous employers and cooperation partners of the candidate.

**V. Taking of a Decision and Nomination of a Candidate for Approval**

35. The Commission shall nominate the candidate for the office of the Director of the Inspectorate who has obtained the highest evaluation of the management competencies for approval at the sitting of the Cabinet.

36. If the Commission decides that none of the candidates is suitable for the office of the Director of the Inspectorate, the State Chancellery shall inform thereof all candidates who were selected for the third round and shall announce a new competition.

**VI. Procedures for the Assessment of the Issue on the Removal of the Director of the Inspectorate from the Office**

37. The Commission shall assess the information and documents at its disposal which justify the reasons referred to in Section 9, Paragraph one and Section 10, Paragraph four of the Personal Data Processing Law for the removal of the Director of the Inspectorate from the office.

38. The Commission is entitled to request information from the competent authorities and the Director of the Inspectorate which is necessary in order to assess the reasons referred to in Section 9, Paragraph one and Section 10, Paragraph four of the Personal Data Processing Law for the removal of the Director of the Inspectorate from the office.

39. If necessary, the Commission shall invite experts and listen to the Director of the Inspectorate.

40. The Commission shall take one of the following decisions:

40.1. to submit a proposal to the Cabinet for the removal of the Director of the Inspectorate from the office;

40.2. to inform the Minister for Justice that there are no grounds for removing the Director of the Inspectorate from the office.

41. The Commission shall also, within five working days after taking the relevant decision, inform the Director of the Inspectorate thereof in writing.

Prime Minister A. K. Kariņš

Deputy Prime Minister, Minister for Justice J. Bordāns

**Annex 1**

Cabinet Regulation No. 478

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**Evaluation Criteria for the Vision of a Candidate of the Priorities and Development of the Institution**

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| No. | Explanation | Evaluation (points) |
| 1. | Defines the vision and strategy of the institution in the context of wider national development objectives. Identifies new strategic directions of development in the strategy of the institution and reshapes them into the future operational priorities of the institution. Builds a vision for the development of the institution and determines priorities that are realistic and preferable | 5 |
| 2. | Defines problems, sees opportunities, and chooses solutions according to the vision and strategy of the institution. Identifies barriers and opportunities for the institution, and also adjusts the proposed action directions accordingly | 4 |
| 3. | Adapts the work objectives to the current strategic directions for the development of the field. Evaluates the difference between the current situation and the preferable strategic direction of development in the future, but does not offer an action plan for reducing this difference. Defines the strengths and weaknesses of the institution and the contribution of the stakeholders to the achievement of the objectives of the institution in general terms | 3 |
| 4. | Has general knowledge of the scope of operation and future trends of the institution. Mostly identifies the potential strategic directions of development in the future according to the current strategy | 2 |
| 5. | Is not familiar with the scope of operation and future trends of the institution | 1 |

Deputy Prime Minister, Minister for Justice J. Bordāns

**Annex 2**

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**Action Indicators for the Evaluation of Communication, Reasoning, and Presentation Skills**

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| No. | Explanation | Evaluation (points) |
| 1. | Communicates strategically to achieve specific goals. Plans the optimal content, time, audience, and other aspects of the report. When speaking in public, is able to present information in a clear, comprehensible, and easy to perceive manner. Is able to provide compelling answers to the questions of the Commission | 5 |
| 2. | Is able to present information in a comprehensible and tactical manner, to explain difficult or unpopular decisions. Is able to provide reasoned answers to the questions of the Commission | 4 |
| 3. | Is able to speak in public and to comprehensibly present the nature of the subject to be presented. Is able to defend their point of view without encouragement. Listens to others without interrupting the speaker | 3 |
| 4. | Speaks in public with difficulty, the answers provided to the questions of the Commission are not compelling or are not provided at all | 2 |
| 5. | Is not able to define in public the strategic objectives of the institution or sector and to describe its vision for development. Is not able to defend his or her point of view without encouragement. When communicating with the Commission, does not overcome negative feelings. Occasionally interrupts or speaks at the same time as the speaker | 1 |

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**Annex 3**

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**Competencies of the Office of the Director of the State Data Inspectorate**

1. Competence “Change management” – readiness and capability to purposefully manage efficient and quality change and organisational transformation process

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| No. | Competence action indicators according to levels | Evaluation |
| 1. | Regularly tries and tests new approaches and methods for improving the work of the institution. With his or her attitude, inspires employees for changes in the organisation. Develops a working environment where continuous development is considered as the value of the organisation, including targeted preparation of employees and the team for changes in the future. Purposefully introduces the good practice of change management from other institutions in his or her institution. Is a model for other heads and institutions in the introduction of new initiatives | With distinction |
| 2. | Creates an open environment for innovations and changes in the organisation: encourages the persons working in the institution to come up with new initiatives, supports their implementation. Sees the need for change and encourages change by assessing the wider context of long-term future trends of the sector. Convinces employees of the need for change, including the expected results and benefits, in a simple and comprehensible way. Identifies and uses the good practice in change management. Obtains feedback from the parties involved in the change and uses it to make changes and improvements to the plan for change and communication | Very good |
| 3. | Defines the need for change, the objective and the results to be achieved, explains them to employees. Develops a change management plan setting out the measures to be taken, the deadlines, and the stakeholders. Leads the process of change to the set objective. Follows the moods and understanding of employees of the process of change, takes measures to mitigate resistance, provides support. Acknowledges the mistakes made in the process of change | Good |
| 4. | Understands the need for change but does not undertake an active role in the implementation of change. Does not propose a sufficiently comprehensive or stakeholder-agreed change management plan. Does not lead the change to a result in the face of difficulties and resistance. Implements the change only in his or her area of direct responsibility without assessing their wider impact on the institution, industry, or public administration as a whole. Does not assess or formally assesses the results of the change | Needs improvement |
| 5. | Does not see the need for change and the opportunities created by it for the institution. Blocks change initiatives and shows open resistance and negative attitude towards externally initiated changes. Proposes changes without assessing their validity and effectiveness | Unsatisfactory |

2. Competence “Decision-making” – ability to take decisions by assessing information and assuming responsibility for them

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| No. | Competence action indicators according to levels | Evaluation |
| 1. | Takes responsibility and proactively addresses major societal challenges. Fully involves all parties in the decision-making process in order to achieve the best possible result. Anticipates and explains the potential consequences and benefits of future decisions to the public. Overcomes resistance to the execution of difficult decisions | With distinction |
| 2. | Takes unpopular decisions in good time, gives clear and exhaustive grounds for these to all stakeholders. Takes decisions in circumstances of uncertain and/or incomplete information, and also in stressful situations. Improves the decision-making process in his or her institution, promoting the assuming of individual responsibility at all levels. Comprehensively and clearly explains the decisions taken at all levels and to all stakeholders: the management team, employees of the institution, different groups of society. Proposes more efficient ways for execution of decisions, monitors their implementation | Very good |
| 3. | Takes decisions which are at least partly the responsibility of the institution in an independent and timely manner. Consults the stakeholders during the decision-making process. Supports decisions with evidence and objective facts, assessing risks and benefits, clearly and exhaustively justifies them. Establishes the decision-making process within the institution, clearly defining the measures to be taken, the stakeholders, and the limits of their responsibility. Implements and ensures that decisions are executed. Cares about more efficient use of resources. Takes responsibility for the decisions taken, critically assesses the consequences caused by them, and recognises the errors made | Good |
| 4. | Delays decision-making, seeks reasons not to act. Informs the stakeholders after the decision has already been prepared. Does not sufficiently assess the potential impact of the decisions. Changes the decision-making process without an explanation, creating confusion between the stakeholders | Needs improvement |
| 5. | Avoids taking of decisions which fall within the responsibility of the office. Takes decisions either alone or in a narrow circle without acknowledging the views of the stakeholders. Allows carelessness in decision-making and execution, does not pay attention to potential risks. Does not fulfil the commitments made. Finds an external excuse for his or her mistakes, does not take responsibility | Unsatisfactory |

3. Competence “Strategic vision” – the ability to define and convert the strategic vision for development of the institution into action

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| No. | Competence action indicators according to levels | Evaluation |
| 1. | Leads the drawing up of the development vision of the institution. Defines and intentionally expresses the vision and strategy in the context of wider national development objectives. Characterises the vision and values in a comprehensible and easy to perceive way in order to achieve the participation of employees and the trust of stakeholders. Identifies, conceptualises, and synthesises new directions or relationships between the values of the institution and converts them into operational priorities of the institution | With distinction |
| 2. | Anticipates obstacles and opportunities for the institution and adapts his or her action accordingly. Defines problems, sees opportunities, and chooses solutions according to the strategy and vision of the institution. Vigorously and convincingly promotes the strategic objectives to colleagues and subordinates | Very good |
| 3. | Cooperates with employees to identify the operational objectives and plans and to ensure consistency with the strategic direction. Clearly defines and promotes the contribution of employees to the achievement of the objectives of the institution. Follows the activity of the team to ensure consistency with the strategic direction and the values of the institution. Regularly promotes the institution, its strategic vision and values to customers, stakeholders, and partners. Evaluates the difference between the existing situation and the preferable direction for development in the future and determines the most efficient means to reduce this difference | Good |
| 4. | Communicates with employees and explains the strategic vision in the area of his or her responsibility, but is less active in setting new strategic development directions. Mostly identifies the potential directions in the future according to the current strategy. Continuously analyses his or her progress and compliance with the objectives and the results to be achieved by the institution. Adapts his or her personal work objectives to the development objectives of the field of work | Needs improvement |
| 5. | Lacks strategic vision or is unwilling to identify new strategic directions | Unsatisfactory |

4. Competence “Team leadership” – the desire and ability to take on the role of a leader, to organise and advance the work of the team to ensure that the objectives are achieved. The ability to build a respectful, collaborative relationship between team members, to take care of the team, and to motivate it to achieve joint objectives.

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| No. | Competence action indicators according to levels | Evaluation |
| 1. | Presents the objective so that each member of the team “lives” with this idea. Purposefully plans leadership succession – identifies and develops future team leaders. Uses a variety of methods to develop a team. Creates an environment where team members themselves create innovation, come up with ideas and proposals to increase the work performance of the team. Provides mutual trust in the team, creates trust, and trusts the team members | With distinction |
| 2. | Leads the adjustment of the team to work in changing conditions, if necessary, by redefining and changing the objectives of the team as well. Ensures the transfer of knowledge and the exchange of experience within the team. Regularly implements measures to increase the motivation of the team. Builds a culture of “celebrating” success in the team. Assesses the work results of the team, encouraging the team to analyse its work as well | Very good |
| 3. | Together with the team defines objectives based on the strategy of the institution. Takes into account the abilities and interests of the team members when allocating tasks. Regularly provides feedback to the team, analyses and discusses the work performance of the team. Follows the motivation of the team and implements measures to increase motivation. Supports team members in carrying out the objectives and tasks. Treats all team members equally and fairly | Good |
| 4. | Provides feedback to the team only on occasion or in critical situations. Shows interest in the motivation of the team in critical situations. Defines objectives without involving the team and without explaining them. Is able to mobilise the team for a short period of work to accomplish specific tasks. Uses the same team motivation tools repeatedly without assessing their suitability. Shows different attitudes towards employees in similar situations | Needs improvement |
| 5. | Works individually with team members without promoting team work. Dominates in expressing opinions. Does not define the objectives of the team, performs the tasks assigned by the laws and regulations without defining the objective to be achieved as a result of their execution. Avoids analysing the work performance of the team, does not provide feedback on the achievements and failures of the team, or pays attention only to the errors and shortcomings of the team. Does not pay attention to the motivation of the team | Unsatisfactory |

5. Competence “Achieving results” – the ability to plan and ensure the work of the institution in such a way that the intended objective and result are achieved

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| No. | Competence action indicators according to levels | Evaluation |
| 1. | Moves steadily towards achieving the objectives, removes obstacles to achieving the result. Ensures professional high quality work in the organisation and active progress towards achieving the objectives | With distinction |
| 2. | Plans the work of the organisation in a targeted manner, ensuring an even load and quality results within the specified time limits. Effectively monitors the achieving of results, takes timely action to mitigate risks | Very good |
| 3. | Clearly defines tasks, determines priorities and action steps. Checks the quality of work, does not accept poor performance of work which does not meet the requirements. Anticipates potential difficulties and acts to reduce them in good time | Good |
| 4. | Divides jobs according to the skills of employees. Checks the result of the work but does not notice or ignores errors | Needs improvement |
| 5. | Does not determine clear tasks, priorities, and action steps. Does not consider ways of improving the quality, productivity, and efficiency of work. When accepting the result of the work, does not notice or ignores errors | Unsatisfactory |

Deputy Prime Minister, Minister for Justice J. Bordāns