



**SPECIFIC PRIVACY NOTICE ON PERSONAL DATA PROTECTION
IN RELATION TO THE DECISION OF THE GOVERNING BOARD ON CONFIDENTIALITY,
INDEPENDENCE, PREVENTING AND MANAGING CONFLICTS OF INTEREST
IN FUSION FOR ENERGY'S BODIES**

The European Joint Undertaking for ITER and the Development of Fusion for Energy (Fusion for Energy or F4E) processes the personal data in accordance with the *Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data* (the "Regulation (EC) 45/2001"). As laid down in Article 11 and 12 of the Regulation (EC) 45/2001, the Joint Undertaking provides candidates and participants with the following information:

Identity of the Data Controller:

The Director
Fusion for Energy
Josep Pla 2
Torres Diagonal Litoral B3
08019 Barcelona
Spain

1. Purposes of the processing operation:

Data used to prevent and manage conflict of interest situations of Members and Chairs of its respective Committees ("Bodies"), as well as external experts, consultants and any third parties participating in any capacity in the work of the Bodies, which might be considered prejudicial to their treatment of items of the Body's agenda, and thus to their independence in performing their tasks.

2. Legal basis:

- Council Decision of 27 March 2007 (as amended 10th February 2015) establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it 2007/198/Euratom in particular Articles 6(3) of the Statutes annexed to it.
- F4E Governing Board Decision of 27 June 201 (F4E(13)-GB27-16.1) concerning confidentiality, independence, preventing and managing potential conflicts of interest.
- Summary of decisions (F4E(15)-GB31-Summary) of the 31st F4E Governing Board Meeting of 19 March 2015 (points 31-47), referring in particular to the respective Rules of Procedures of the F4E's Committees / Bodies approved the same day.

3. Lawfulness of the processing:

Personal data may be processed only if processing is necessary for the performance of F4E tasks carried out in the public interest on the basis of the F4E founding instrument or other legal instrument adopted on the basis thereof or in the legitimate exercise of official authority vested in the Joint Undertaking or in a third party to whom the data are disclosed (Regulation (EC) 45/2001, Article 5(a)).

4. Recipients of the data processed:

Information provided by the candidates and participants will be disclosed to the following:

- Secretary of the respective Body and assistant
- Chair of the respective Body
- Chair of the Governing Board
- Vice-Chairs of the Governing Board

Also, if appropriate, access may be given to:

- Director of F4E
- F4E's Internal Audit Capacity and the European Court of Auditors (for audit purposes)
- Head of the Legal Service Unit of F4E
- The European Anti-Fraud Office (OLAF)
- European Ombudsman

F4E publishes the General Declarations of Interest (GDols) and short CVs of the participants and the name of their employer on its website, subject to the right of the participants to object, according to point 7. below.

5. Failure to provide data

Data subjects are obliged to provide data concerning their personal interests. In case of failure to do so, the respective Chair and the Governing Board Chair in consultation with the secretariats would decide on appropriate action.

6. Retention of data

The personal data of Members and Chairs of the respective Bodies are held up to five years after the expiry of their mandate.

The personal data of external experts and other participants asked to attend meetings are held up to one year after end of the respective(s) meeting(s).

7. **Right of access, to rectify, to block, to erase, to object:**

Right of access (Article 13 of the Regulation): the data subjects have the right of access to their data being processed by contacting the Fusion for Energy Data Controller.

Right of rectification (Article 14 of the Regulation): the data subjects have also a right to obtain the rectification of their data that are inaccurate or incomplete, without delay by contacting the Data Controller at any time.

Right of blocking (Article 15 of the Regulation): the data subjects have also the right to obtain from Data Controller blocking of their data when:

- They contest the accuracy of the data;
- The controller no longer needs them but they need to be maintained for purposes of proof;
- The processing is unlawful and the data subject requests blocking instead of erasure.

Personal data blocked shall only be processed for the purpose of proof (with the consent of the data subject) or for the protection of the rights of a third party.

Right of erasure (Article 16 of the Regulation): the data subjects can request the cancellation of their personal data if they consider that they are subject to an unlawful processing.

Right to object (Article 18 of the Regulation): the data subjects can object the processing of their personal data:

- On compelling legitimate grounds relating to their particular situation;
- Before their personal data are disclosed to third parties.

Limitations:

The Data Controller, according to Article 20 (1) of the Regulation, may restrict access to the information/documents to safeguard:

- a) the prevention, investigation, detection and prosecution of criminal offences;
- b) any important financial or economic interest of the Member States or the Union;
- c) the protection of the data subject or the rights of freedoms of others;
- d) the national security, public security or defense of the Member States;
- e) the monitoring, inspection or regulatory task connected with the exercise of official authority in cases referred to in (a) and (b).

Common steps for the exercise of the above mentioned rights:

Any request from a data subject concerning the rights above described should be addressed to the Controller through the following contact e-mail address:

DataProtectionOfficer@f4e.europa.eu

Apart from the right to obtain the rectification of inaccurate and incomplete data without delay, the Controller shall provide an answer to the data subject concerning his/her request on the exercise of his/her rights, as defined above, within 10 working days. Any contestation by the data subject to the Controller's reply shall be submitted within 10 working days of the response received and the Controller shall have another 10 working days to provide a replica revising his previous decision or confirming it.

All data subjects have also right of recourse at any time to the European Data Protection Supervisor: EDPS@edps.europa.eu.

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