

Specific Privacy Notice on personal data protection in relation to the
the handling of complaints and requests submitted
under Articles 24 and 90 of the Staff Regulations¹

Fusion for Energy 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 Articles 11 and 12 of the Regulation (EC) 45/2001, Fusion for Energy provides data subjects with the following information:

Identity of the Data Controller:

Mr. Hans Jahreiss - Head of the Administration Department of Fusion for Energy.

Purposes of the processing operation:

Management of the requests submitted under Articles 90(1) or 24 of the Staff Regulations as well as the complaints submitted under Article 90(2) of the Staff Regulations or addressed to the European Ombudsman and transmitted to Fusion for Energy.

Legal basis:

Council Decision of 27 March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it - 2007/198/Euratom in particular Article 6 thereof;

The Statutes annexed to the Council Decision of 27 March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it - 2007/198/Euratom in particular Article 10 thereof;

Article 228 of the Treaty on the Functioning of the European Union (empowering the European Ombudsman to receive complaints concerning instances of maladministration in the activities of Union institutions, bodies, offices, and agencies);

¹ In the guidelines for submitting Requests and Complaints referenced F4E_D_26LMR7 and approved on 6th June 2013, staff members are informed of the registration process in place in respect of complaints submitted to the European Ombudsman and which may be transferred to Fusion for Energy. The processing of personal data for such complaints is identical to the one applied in case of complaints submitted under Article 90(2) of the Staff Regulations.

Articles 24 and 90 of the Staff Regulations, as well as Articles 11, 46, 81 and 117 of the Conditions of employment of Other Servants;

Fusion for Energy's Guidelines for submitting Requests and Complaints referenced F4E_D_26LMR7 and approved on 6th June 2013.

Lawfulness of the processing:

In accordance with Article 5 (a) of Regulation (EC) 45/2001, the processing of the personal data is necessary for the performance of Fusion for Energy tasks carried out in the public interest on the basis of the Fusion for Energy founding instrument and in the legitimate exercise of official authority vested in Fusion for Energy and in a third party to whom the data are disclosed. The processing is also necessary in order to comply with Fusion for Energy legal obligations under Articles 24 and 90 of the Staff Regulations.

Data Subjects Concerned:

Requests under Article 90(1) of the Staff Regulations

Any person subject to the Staff Regulations and Conditions of Employment of Other Servants (CEOS). The persons referred to are the staff members of Fusion for Energy as well as former staff members and those persons entitled under them in the event of death. Candidates to a selection organised by Fusion for Energy are also included.

Requests for assistance under Article 24 of the Staff Regulations

Any person subject to the Staff Regulations and the CEOS. The persons referred to are the staff members of Fusion for Energy as well as former staff members and those persons entitled under them in the event of death.

Complaints under Article 90(2) of the Staff Regulations

Any person subject to the Staff Regulations and the CEOS. The persons referred to are the staff members of Fusion for Energy as well as former staff members and those persons entitled under them in the event of death. Candidates to a selection organised by Fusion for Energy are also included.

Complaints addressed to the European Ombudsman and transmitted to Fusion for Energy

Any citizen or resident of the EU, or business, association, or other body with a registered office in the EU.

Categories of data:

Requests under Article 90(1) of the Staff Regulations

Identity of the person concerned

Purpose of the request

Reasons why it is being submitted

Place, date and signature

Any document providing a better understanding of the issue rose

Complaints under Article 90(2) of the Staff Regulations

Identity of the complainant

Disputed act and purpose of the complaint

Grounds and arguments on which the complaint is based

Place, date, signature

Documents which assist the assessment of the problem rose

Requests for assistance under Article 24 of the Staff Regulations

Identity of the complainant

Grounds and arguments on which the request for assistance is based

Place, date, signature

Documents which assist the assessment of the request for assistance

Recipients of the data processed:

The responsible officer in charge of the registry of incoming mail within F4E (for the purpose of IDM registration))

Human Resources officer in charge of the complaint/request

Head of Human Resources Unit

Responsible officer within the Legal Service Unit

Head of Legal Service Unit

Appointing Authority / Authority Responsible for Concluding Contracts of Employment

Competent service in case feedback is required (only consulted on the part of the request/complaint which is deemed necessary and if relevant)

External lawyer (in case F4E decides to use an external one for dealing with the complaint/request)

Internal Auditor and Court of Auditors (for audit purpose only)

European Ombudsman (upon justified request)

Court of Justice (upon justified request)

OLAF (upon justified request)

Internal recipients or and external lawyer who, in the framework of their duties, may be called upon to deal with complaints/requests are asked to sign a confidentiality statement.

Date when processing starts:

The processing starts on the date of submission of the complaint and/or request for assistance.

Time limits for storage:

5 years, following the introduction of a request/complaint according to Articles 90(1), 24, 90 (2) of the Staff Regulations or after the European Ombudsman has transmitted a complaint to Fusion for Energy.

In case of a court procedure, the data will be kept during that procedure and 3 years after the case is completely being closed, taking into account possible further consequences.

Transfer of data

The internal and inter-institutional data transfers according to Article 7 of the Regulation, is only legal if necessary for the legitimate performance of tasks covered by the competence of the particular recipient who can process the data only for the purposes for which the data were transmitted. The recipients are reminded accordingly.

Right of access and rectification:

(Rights of access, to rectify, to block, to erase, to object)

Right of access: according to Article 13 of Regulation 45/2001, the data subjects have the right of access to the personal data that are processed by the institution, specifically:

- if data related to him or her are being processed
- information on the purposes of the processing operation
- categories of data concerned

- recipients or categories of recipients to whom the data are disclosed
- communication in an intelligible form of the data undergoing processing and their source
- logics involved in any automated decision process concerning him/her

The data subject shall always their right of access granted.

Right of rectification: according to Article 14 of Regulation 45/2001, the data subjects have the right of modification of any inaccurate or incomplete data.

Right of blocking: according to Article 15 of Regulation 45/2001, the data subjects have also the right to obtain from Data Controller blocking of their personal 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: according to Article 16 of Regulation 45/2001, 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: according to Article 18 of Regulation 45/2001, the data subjects can object the processing of their personal data unless the processing is needed for the purposes of Article 5b) and d) of Regulation 45/2001:

- on legitimate grounds relating to their particular situation
- before their personal data are disclosed to third parties.

Article 20(1)(c) of Regulation 45/2001 states that the data controller may restrict access to the information/documents to safeguard:

- the prevention, investigation, detection and prosecution of criminal offences
- any important financial or economic interest of the Member States
- the protection of the data subject or the rights of freedoms of others
- the national security, public security or defence of the Member States
- the monitoring, inspection or regulatory task connected with the exercise of official authority.

Common steps for the exercise of any 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 addresses:

Resources-Controller@f4e.europa.eu

DataProtectionOfficer@f4e.europa.eu

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.

The data subject may put in place the procedure established in article 90 of the Staff Regulations to contest any action of the data controller related to his/her rights.

All data subjects have also right of recourse at any time to the European Data Protection Supervisor: EDPS@edps.europa.eu. The EDPS receives complaints from EU staff members as well as from other people who feel that their personal data have been mishandled by a European institution or body. If a complaint is admissible, the EDPS usually carries out an inquiry. The findings are communicated to the complainant, and necessary measures are adopted.

In case of dispute, the competent forum to lodge an appeal is that of the Civil Service Tribunal, Rue du Fort Niedergrünwald, L-2925 Luxembourg.