



SPECIFIC PRIVACY NOTICE ON PERSONAL DATA PROTECTION REGARDING THE USE OF THE FUSION FOR ENERGY INDUSTRY PORTAL ,“F4E Industry Portal”

In the following users of the F4E Industry Portal (hereafter “the Portal”) are informed about the processing and data protection safeguards put in place by F4E to make sure any processing of their personal data is in line with Regulation (EC) No 45/2001 *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*.

Identity of the Controller

Mr Hans Jahreiss
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1. Purpose of the processing operation

This notification concerns the data processing of personal data during the user account creation process of the F4E Industry Portal.

Personal data is used to create access rights for users i.e. all economic operators registered onto the Portal.

The purpose of the processing operation is to allow for the following activities:

1/ **User Data Maintenance** in view of maintaining accurate data related to F4E business activities and including internal specific reporting (geographical distribution, sectors, technologies...)

2/ **Possible re-use of personal data** gathered at the stage of the account creation for other business-related purposes such as the organization of public events e.g. F4E industry days, thematic events, etc. The use of those data may be required to ease the registration process for such an event and offer premium services to F4E Industry Portal users

2. 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, as last

amended by Council Decision of 10th February 2015 (2015/224 Euratom), O.J. L 37, 13.2.2015, p.8, in particular Article 6 thereof;

Statutes annexed to the Council Decision (Euratom) No 198/2007 “establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it”, as last amended on 10th February 2015, in particular Article 10 thereof.

3. Lawfulness of the processing

Processing of personal data is necessary for the performance of F4E tasks 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 F4E or in a third party to whom the data are disclosed (Regulation (EC) 45/2001, Article 5(a)).

With regard to the personal data included in the information published on the Portal by registered companies, notably personal data of companies’ contact persons, it is the companies’ responsibility to ensure that such data are provided lawfully, upon the data subject’s informed and explicit consent.

4. Data Subjects concerned

Personal data of users visiting the portal, including data of persons who registered an account, and personal data of contact persons for the registered companies.

The following categories of people are herewith identified:

- Individuals representative of a company
- Natural persons acting on their own behalf
- F4E Industry Liaison Officers (ILOs) nominated by the relevant Member States

Data subjects who intend to register are free to give their data on a voluntary basis. Failure to provide any mandatory information will not allow them to complete the registration procedure.

Users who intend to register on the Portal are free to decide whether to publically share their personal

data with other users of the Portal. Such publication option is self-managed and reversible at any time.

5. Categories of personal data

The following personal data category will be processed onto the F4E Industry Portal at the moment of creating a user account, such as: last name, first name, valid professional email address, country, password, main competencies (field of expertise).

6. Recipients of the data processed

- *F4E Market Intelligence Group (MIG), responsible officers*
- *F4E ICT officers (access to computer-based database for technical reasons only)*
- *Other users / data subjects registered in the portal; upon unambiguous consent to publicly disclose user / personal data*
- *F4E Industry Liaison Officers (from EU countries and from Switzerland)*

The general rule is: all personal data remain the property of the data subjects and F4E has limited editing rights on it, yet full read/access rights on it. No particular data transfer is foreseen to any third party except if explicitly specified by F4E and after having gained the data subjects' unambiguous consent (e.g. F4E event organisers).

Also, if appropriate, for monitoring tasks, access may be given to:

- Director of F4E
- Head of Admin / PTM / HoU responsible
- Head of the Legal Service Unit, and/or responsible Legal Officer
- F4E OLAF and Ethics Officer
- Internal Auditor (IAC/IAS) and the European Court of Auditors (for audit purposes)
- The European Anti-Fraud Office (OLAF)
- EU Court of Justice
- European Ombudsman

Table 1 – Access to personal data processed on the F4E Industry Portal

	Visibility of the data processed by a registered company	F4E Business Intelligence and IT officers	Industrial Liaison Officers ILOs	ITER Domestic Agencies	Registered companies in the F4E industry Portal	Other users		
General information	Companies general information	YES	YES	YES	YES if decided by company	NO		
	Main competencies, activity codes, procurement packages				NO			
	Company presentation in an attached document							
Pre-qualification	Overall Status		YES			NO		
	Detailed Status and scoring (forms, financials, QA,							
	Financial statements					NO		
	Declaration of Honor							
	Financial Identification form							
	QA records							
	Delivery records							

7. Retention period of data

Personal data of users with an account in the F4E Industry Portal and personal data of companies' contact persons are stored as long as registered users wish so, and as long as Fusion for Energy operates in its mandate to deliver the EU contribution to the ITER Project.

No paper based personal / company data will be retained.

8. Rights of the data subject

(Rights of access, to rectify, to block, to erase, to object, according to Article 13-20 of Regulation 45/2001)

Right of access:

The data subjects can access the personal data published in the Portal once logged in.

They have the right of access to the personal data that are being processed specifically (regarding):

- confirmation if data related to him or her are being processed;
- information on the purposes of the processing operation;
- recipients or categories of recipients to whom the data are disclosed;
- communication in an intelligible form of the data undergoing processing and their source;
- the logic involved in any automated decision process concerning him/her.

Data subjects shall always have their right of access granted to control if the data reflect the facts and perceptions that they wanted to transmit and if their statements are as complete and accurate as possible.

Right of rectification:

The data subjects can rectify the personal data

published in the Portal or erase them once logged in.

The data subjects have the right to obtain from the data Controller the rectification of any inaccurate or incomplete personal data, without delay.

Right of blocking:

The data subjects have also the right to obtain the 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:

The data subjects can erase the personal data published in the Portal rectify or them once logged in.

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:

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 his/her particular situation;
- before their personal data are disclosed to third parties.

Limitations:

The data Controller may restrict, according to Article 20(1) of Regulation 45/2001, 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;
- c) the protection of the data subject or the rights of freedoms of others;
- d) the national security, public security or defence of the Member States;
- e) the monitoring, inspection or regulatory task connected with the exercise of official authority in ceases referred to in a) and b).

In that case, the data subject will be informed of the principal reasons for applying such restrictions.

Common steps for the exercise of the above mentioned rights:

Any request concerning the rights above should be addressed to the Controller through the following contact e-mail address:

Resources-Controller@f4e.europa.eu.

The Controller shall provide information on action taken on a request (mentioned above) to the data subject without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary. In such a case, the Controller shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons of the delay.

Where the data subject makes the request by electronic means, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject.

Every data subject has the right at any time to lodge a complaint with the European Data Protection Supervisor: EDPS@edps.europa.eu, if the data subject considers that the processing of his/her personal data infringes the applicable Data Protection Regulation.

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