

Specific Privacy Notice on personal data protection in relation to the

Provision of interim services

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:

The purpose of the data processing operations is to select and manage interim staff for 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 5 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 13 thereof;

Article 101 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002, Official Journal L 298 , 26/10/2012 P. 0001 – 0096

Article 122 of the Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, Official Journal L 362 , 31/12/2012 P. 0001 - 0111

Multiple Framework Service Contracts in cascade for the provision of interim support staff services, signed between Fusion for Energy and the interim agencies on 5th December 2013 and referenced Amendment No 1 - F4E-ADM-0481.01-Randstad-26UPVM- 1.0, Amendment No 1 - F4E-ADM-0481.02 – Adecco- 26W4VQ -1.0, Amendment No 1 - F4E-ADM-0481.03-Manpower-26XSR4-1.0

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.

Data Subjects concerned:

Interim candidates, contractors providing the interim services

Categories of data:

Name and contact details of the Legal Representative of Fusion for Energy

Framework Contract between Fusion for Energy and the interim agency:

- Bank Account of the Agency
- name of the bank, address of branch in full, exact designation of account holder, full account number including codes, Iban code

Specific contract between Fusion for Energy and the interim agency (when an interim agent is requested):

- Legal representative of Interim Agency (name, surname, DNI, NIF, social security number for contributions, Agency address, registration number)
- Legal representative of Fusion for Energy (name, surname, DNI, NIF, social security number for contributions, address)
- Name, surname of the interim agent

A copy of the contract between the interim agency and the interim agent is sent, on initiative of the interim agency and for information purpose only, to F4E. It contains the name of the interim candidate and the information related to the interim agency.

Timesheet to be filled out by the interim agent:

- Name, first name,
- working hours

Data related to interim agents and required in order to conduct the selection process:

- CV,
- name, first name,
- date of birth,

- nationality,
- work experience,
- education & training,
- languages,
- evaluation report established by the interim company

Motivation letter from the candidate:

Name, first name

Recipients of the data

The CV of the interim agent is sent to: HR responsible officer and the service concerned (Selection Committee)

The timesheet and the contract signed between Fusion for Energy and the service provider are sent to Fusion for Energy finance officer and the service provider for invoicing purpose

LSU (in case of complaints)

Internal Auditor: (for audit purpose)

Court of Auditors (for audit purpose)

European Ombudsman (upon justified request)

Court of Justice of the European Union (upon justified request)

OLAF (upon justified request)

Date when processing starts:

For the data related to the service provider: the processing starts upon signature of the framework contract.

For the data related to the interim candidates: the processing starts upon reception of the proposal of the service provider.

Time limits for storage:

The data of candidates are kept for five years. The data of successful candidates are kept during the time of the contract plus seven years to allow the auditors to verify the financial control procedures.

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 to obtain the rectification of any inaccurate or incomplete administrative data, without delay, by contacting the Data Controller at any time.

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 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

Apart from the right to obtain 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.

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.