



SPECIFIC PRIVACY NOTICE

for processing of personal data related to Post-Employment

The Fusion for Energy (F4E) *Guidelines on management of post-employment requirements* foresee that certain individuals working for F4E shall declare any interests which could be considered to be prejudicial to their independence. As a consequence personal data are being provided to F4E.

In the following staff is 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*.¹

Data Controller

Mr. Hans Jahreiss - Head of the Administration Department

Purpose of the collection of personal data

Any personal data shall be collected and processed solely for the following purpose:

The purpose of the post-employment guidelines is to put in place a practical management of the requirements with regard to future employment, according to Article 16 Staff SR, within F4E.

Legal basis for processing personal data

Council Decision (Euratom) No. 198/2007 of 27th March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it and in particular to Article 6 thereof as well as the Statutes attached to it, in particular its Articles 10 and 6k.

Staff Regulations (SR) of the European Union, in particular Articles 16, 17 and 19 as well as Conditions of Employment of Other Servants (CEOS) in particular Articles 11 and 81.

¹ This Privacy Notice updates and replaces the part related to post-employment in the Privacy Notice on "Outside Activities and Assignments", F4E Data Protection Notification adopted 23.8.2013.

F4E legal acts :

- Governing Board Decision of 11th June 2014 (F4E14-GB29-12.1.) adopting "Rules on the Prevention and Management of Conflict of Interest regarding staff members of the Joint Undertaking" and the legal acts referred in it.
- Decision of the Director (7th October 2014) concerning "Guidelines on the management of post-employment requirements regarding staff members of the Joint Undertaking". (F4E_D_22CNJG).

Lawfulness of the processing

Processing 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)).

Categories of personal data collected

- name, surname, personnel n., position in F4E, address, tel n. etc.
- detailed description of the new (intended) activity, name of the organisation in which the activity is to be exercised, address, etc.
- position of the new activity
- Information regarding remuneration or compensation provided in relation to the new activity

For the completeness of category of data requested, reference is made to the post-employment Declaration Form: "*Declaration of intention and application for authorisation to engage in an employment after leaving Fusion for Energy*" as well as to the related "Declaration of Honour".

Recipients

The post-employment Declaration (and the Declaration of Honour) submitted by the F4E staff member (and respective updates) are stored in the electronic database e-HR, and managed by the Human Resources (HR) Unit. The following people have access:

- Human Resources Officer(s) responsible for managing the post-employment Forms
- Head of HR Unit
- ICT officer responsible, if necessary for technical support
- Line manager of the respective (former) staff member
- Appointing Authority
- Another person internally may be consulted if deemed necessary by the Appointing Authority for a specified case
- Head of LSU and Legal Officer responsible, if deemed necessary by the Appointing Authority
- Joint Committee, if consulted according to the post-employment Guidelines

Furthermore, a the post-employment Declaration may be transferred to bodies in charge of a monitoring or inspection task in conformity with Union law, including the European Court of Auditors, the Internal Audit Service, the Internal Audit Capability, OLAF, the European Ombudsman and the European Data Protection Supervisor.

Automated Processing and Storage

Mixed: the Declaration Form is filled by the staff member concerned and submitted manually in paper. A copy of the final decision is sent to the applicant. The original is stored in the personal file and an electronic copy is stored in e-HR.

Retention period

The post-employment Declarations (including its updates) are stored and archived for the duration of the personal file (i.e. for 10 years following the termination of employment or last pension payment), according to the obligations of the above mentioned Staff Regulations also after leaving the service.

Rights of the data subject (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

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:

according to Article 14 of Regulation 45/2001, the data subjects have the right of modification of any inaccurate or incomplete administrative data, without delay.

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 address: Resources-Controller@f4e.europa.eu.

Apart from the rights to obtain the rectification without delay (Art. 14 above) 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.

If you feel your Data Protection rights have been breached you can file a complaint with the F4E's Data Protection Officer DataProtectionOfficer@f4e.europa.eu or have 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.