

RECORD

Of processing personal data of experts with or without contracts regarding their invitation and reimbursement, and/or their selection and signing and follow-up of the expert contracts, according to Article 31 Regulation 2018/1725¹

NAME of data processing:

1. Compiling of attendee lists of visiting experts without contracts and reimbursing their costs; and
2. The establishment of lists of candidate Fusion for Energy Experts, the selection of such experts, and the signing and follow-up of their individual contracts (making them 'experts with contracts').

Last update: July 2020.

1) Controller(s) of data processing operation (Article 31.1(a))

Controller: Organisational entity of Fusion for Energy (F4E)

Unit / Department responsible for the processing activity: Commercial Department

Contact: Commercial Department Data Controller

Commercial-Department-Controller@f4e.europa.eu

Data Protection Officer (DPO): DataProtectionOfficer@f4e.europa.eu

¹ Regulation 2018/1725 of 23 October 2018 "on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data". O.J 21.11.2018, L295/39.

2) Who is actually conducting the processing? (Article 31.1(a))

The data is processed by F4E (responsible unit) itself

The data is processed by a third party (e.g. contractor) (Art. 29 – Processor)

For the execution of financial transactions, (personal) data is processed through the Acrual Based Accounting System (ABAC) which is a system ran by DG Budget (budg-data-protection-coordinator@ec.europa.eu). The responsibilities of both F4E and DG Budget regarding Personal Data Protection within ABAC are described in the [Service Level Agreement](#) and are partly laid out in section 3B below.

3) Purpose and Description of the processing (Article 31.1(b))

Why is the personal data being processed? Specify the underlying reason for the processing and what you intend to achieve. Describe, summarise the substance of the processing.

When you (later on) intend to further process the data for another purpose, please inform the Data Subject in advance.

3A) Purpose of the processing

This record covers two categories of data processing:

- 1) The processing of personal data of *experts without contracts* (EwoC);
- 2) The processing of personal data of candidate *experts with contracts* (EwiC).

1) **EwoC:** The personal data of EwoC is processed in order to compile an attendee list and reimburse expenses made by the respective experts.

2) **(Candidate) EwiC:** The personal data of candidate EwiC is processed in order to establish lists of experts (in the Experts Software Application) who can be selected to sign a contract with F4E for the provision of specific expertise. Additionally, data might be processed in order to sign and implement the contract with the respective EwiC.

3B) Description of the Processing

- 1) **EwoC:** Personal data of EwoC who have been invited for a meeting are submitted electronically or on paper by the respective experts after they have received an invitation letter. Some data (transmitted electronically or on paper) might not be provided until after the meeting has taken place (eg. tickets and boarding passes). Data of EwoCs are further processed through F4E's Management of Administrative Expenditures System (MAES).

- 2) **(Candidate) EwiC:** Personal data of (candidate) EwiC are provided by the (candidate) EwiC themselves through the Experts Software Application. The data provided go automatically to the online expert database that is used to select experts and award contracts. Unless there is exceptional direct appointment of an EwiC, a list of relevant profiles is compiled and emailed to the department requesting the appointment of an external expert. When signing contracts, and when arranging the payment of fees and reimbursement of travel expenses, experts might be requested to provide additional personal data. This data is transmitted either electronically or on paper.

For the execution of financial transactions, (personal) data is processed through the Accrual Based Accounting System (ABAC) which is a system ran by DG Budget. For the provision of accounting and treasury services, DG Budget acts as the processor and F4E as the controller. For the processing of personal data with the purpose of registering in the Commission Financial System ABAC the necessary Legal Entities and Bank Account Files, DG Budget and F4E act as joint controllers. Requests made by Data Subjects should first be directed to, and dealt with by F4E. The responsibilities of both F4E and DG Budget regarding Personal Data Protection within ABAC are further described in the [Service Level Agreement](#).

The Data Protection Record and Privacy Notice held by DG Budget can be found [here](#).

Furthermore, for experts with contracts, in line with the [F4E's Financial Regulation](#) (art. 31), information on recipients of funds financed from the budget of the Joint Undertaking shall be published having due regard for the requirements of confidentiality and security, in particular the protection of personal data: the name of the recipient; the locality of the recipient; the amount legally committed and the nature and purpose of the measure. According to the threshold as referred to [in the General Financial Regulation](#), the aforementioned data will be published on F4E's publicly accessible Industry Portal. Where personal data are published, the information shall be removed two years after the end of the financial year in which the funds were awarded.

4) Lawfulness of the processing (Article 5(a)–(d)):

Mention the legal bases which justifies the processing

Processing necessary for:

- (a) performance of tasks in the public interest attributed by EU legislation (including management and functioning of F4E)
- 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 22 February 2021

(2021/281 Euratom), O.J. L 62, 23.02.2021, 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 22 February 2021, in particular Article 10 thereof;

(b) Compliance with a *specific* legal obligation for F4E to process personal data⁴

- [F4E Financial Regulation \(2GYA92\)](#), entered into force on 1 January 2020.
- Rules on how to select, appoint and pay F4E experts as last amended in January 2020 ([F4E_D_25BLCL](#));
- Rules on the reimbursement of expenses for the attendance at meetings of chairs and members of F4E committees and other experts (Reimbursement Rules ([F4E_D_257GRU](#)));
- F4E(11)-GB21-16b Decision of the Reimbursement of Expenses for Committee Chairs and Members ([F4E_D_24M44V](#));
- Decision of the Governing Board on the Payment of Indemnities to the Chairs of Committees of F4E (Decision F4E (10)-GBWP-05 of 02/12/2011)

(c) Necessary for the performance of a contract with the data subject or to prepare such a contract (only applies to experts with contracts (EwiC)).

(d) Data subject has given consent (ex ante, freely given, specific, informed and unambiguous consent)

5) Description of the data subjects (Article 31.1(c))

Whose personal data is being processed?

- 1) EwoC:** External persons who attend a meeting on F4E premises and/or attend a meeting on behalf of F4E on external premises and are not awarded a contract to do so.
- 2) (Candidate) EwiC:** Persons who register their interest following the publication of a call for expression of interest for the establishment of a list of prospective individual experts and who can be selected to sign a contract with F4E for the provision of specific expertise.

⁴ The distinction between points (a) and (b) is that in point (a) F4E is given a task which requires the processing of personal data to fulfil it (e.g. staff appraisal), while in point (b), the legal basis directly requires F4E to process the personal data, without margin of implementation.

6) Categories of personal data processed (Article 31.1(c))

Please give details in relation to (a) and (b). In case data categories differ between different categories of data subjects, please explain as well.

(a) General personal data:

Personal data shall mean any information relating to an identified (directly or indirectly) or identifiable natural person. The data processed of both EwoC and (candidate) EwiC can include any of the following:

- Personal and contact information – information related to identity, gender, date of birth, town and country of birth, nationality, passport number, address, contact details;
- CV which may contain information related to identity, nationality, gender, contact details, professional experience, education and training, and personal skills and competences;
- Photo, not requested, sometimes provided by applicants spontaneously;
- Legal Entity Form and Bank Account Form including bank statement if no bank stamp can be obtained;
- Copy of the identity card or passport;
- Request for payment;
- Supporting travel documents;
- Calendar days worked.

The above is an illustrative listing without limitation to any other possible personal data that might be voluntarily provided by the Data Subjects. The Personal Data listed above that are also further processed in ABAC can be found in the [Data Protection Record](#) held by DG Budget.

(b) Sensitive personal data (Article 10)

No Sensitive Personal Data is Processed.

7) Recipient(s) of the data (Article 31.1 (d))

Recipients are all people to whom the personal data is disclosed (“need to know principle”). Not necessary to mention entities that may have access in the course of a particular investigation (e.g. OLAF, EO, EDPS).

The following recipients can have access to the personal data processed:

- Administrative managers of the “Commercial Management & Procurement Unit” (only applies to (candidate) EwiC);
- Staff from the requesting Department or Unit who are involved in the selection process (only applies to (candidate) EwiC);
- Head of the Commercial Department (only applies to (candidate) EwiC);
- Head of the “Commercial Management & Procurement Unit”;

- Responsible Financial Officers and Financial Assistants;
- Responsible Officer of the Accounting Team;
- The Staff of the Office of the Director, the Governance Officer and Members of the Governing Board (only applies to experts without contract and for the purpose of the Annual Assessment);
- The supporting IT officer (for provision of technical assistance to the related software tools when requested to do so);
- IDM Manager, if necessary for support;
- ICT Officer responsible for the dedicated database, when asked to provide technical support;
- For Personal Data further processed through ABAC:
 - All F4E staff on the financial circuit have access to the data on ABAC. The extent of this access depends on the access rights which are set on a strict need to know basis. A list of specific access rights can be obtained by contacting F4E Local Authorisation Manager (LAM) by addressing Commercial-Department-Controller@f4e.europa.eu;
 - On the side of DG Budget the relevant recipients are described in [DG Budget's](#) Data Protection record.

Also, if appropriate and necessary for monitoring or inspection tasks, access may be given to: e.g. F4E Director, Head of Admin., DPO and Anti-Fraud & Ethics Officer, Head or responsible officer of LSU, IAC, IDOC.

8) Transfers to third countries or International Organizations (Article 31.1 (e))

If the personal data is transferred outside the EU, this needs to be specifically mentioned, since it increases the risks of the processing operation (Article 47 ff.).

Data is transferred to third countries or International Organizations recipients:

Yes

No

If yes, specify to which country/IO:

N/A

If yes, specify under which safeguards and add reference: N/A

Adequacy Decision (from the Commission)

Memorandum of Understanding between public authorities/bodies

Standard Data Protection Clauses (from the EDPS/Comission)

Binding Corporate Rules

Others, e.g. contractual/agreements (subject to authorisation by the EDPS)

Reference: N/A

9) Technical and organisational security measures (Articles 31.1(g) and 33)

Please specify where the data is stored (paperwise and/or electronically) during and after the processing. Specify how it is protected ensuring “confidentiality, integrity and availability”. State in particular the “level of security ensured, appropriate to the risk”.

Security measures are implemented to ensure integrity, confidentiality and availability of information. The default provisions include backups, centralized logging, software updates and continuous vulnerability assessment and follow-up. Specific provisions resulting from the characteristics of the information system may lead into the implementation of encryption, two factor authentication among others found relevant following a risk analysis.

10) Retention time (Article 4(e))

How long is it necessary to retain the data and what is the justification for this retention period? If appropriate, differentiate between the categories of personal data. If the retention period is unknown, please indicate the criteria for determining it.

The files relating to personal data during the selection of candidates EwiC are kept for 5 (five) years following the closure of the calls of expression of interest.

The files relating to personal data of the selected EwiC, as well as of EwoC, are kept for 7 (seven) years following their closure (usually after the payment of the final instalment under the respective contract/assignment).

In accordance with the [record](#) held by DG Budget, Personal Data further processed through ABAC might be retained by DG Budget for up to 10 (ten) years after the last transaction.

Where personal data are published on F4E’s publicly accessible Industry Portal as described in section 3B, this personal data shall be removed two years after the end of the financial year in which the funds were awarded.

Documents may be retained until the end of a possible audit or Court proceeding if one started before the end of the above period. In any case, personal data contained in supporting documents (relating to the budget implementation measure) shall be deleted where possible when those data are not necessary for budgetary discharge, control or audit purposes.

11) Information/Transparency (Article 14-15)

Information shall be given in a concise, transparent and easily accessible form, using clear and plain language.

Information to data subjects is provided throughout the processes in the case of a requirement to provide any additional data. A Specific Privacy Notice ([F4E_D_29KUC7](#)) is published on F4E Net and on F4E's external website.
