

**Specific privacy notice on personal data protection in relation to the secondment of National Experts
(SNEs)**

Fusion for Energy processes the personal data in accordance with the Regulation (EC) 45/2001 of the European Parliament and of the Council of 18th December 2000 concerning 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 potential SNEs with the following information:

Identity of the Data Controller:

The European Joint Undertaking for ITER and the Development of Fusion for Energy
C./ Josep Pla, nº 2,
Torres Diagonal Litoral,
Edificio B3,
08019 Barcelona, Spain
Mr. Hans Jahreiss - Head of the Administration Department.

Purposes of the processing operation:

Enable the secondment of National Experts to Fusion for Energy in order for the organisation to benefit from their high level of professional knowledge and experience, in particular in areas where such expertise is not readily available.

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;
- Decision of the Governing Board on the secondment of experts to the Joint Undertaking for ITER and the Development of Fusion Energy (F4E(13)-GB27-14.2)

Lawfulness of the processing:

In accordance with Article 5 (a) and (d) of Regulation (EC) 45/2001, the processing of the personal data is necessary for the performance of F4E tasks carried out in the public interest on the basis of the F4E founding instrument¹ and in the legitimate exercise of official authority vested in F4E and in a third party to whom the data are disclosed and the data subject has unambiguously given his or her consent.

¹ Council decision 2007/198/ Euratom of 30 March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy (F4E) and conferring advantages upon it (OJ L 90, 30.3.2007, p. 58)

Data Subjects Concerned:

The SNE who manifested his/her interest to be seconded to Fusion for Energy.

Categories of Data:

- CV sent by the potential SNE to the operational department. The operational department sends the CV to Human Resources, with the name of the employer of the potential SNE. The CV may contain information related to identity (surname, first name, nationality, date of birth, gender), education background, work experience, mother tongue, knowledge of other languages, information enabling the candidate to be contacted (postal and electronic address, telephone and fax number, etc.)

- Request for SNE, filled out by the Human Resources officer dealing with the secondment of National Experts, with the following information (sent to the Appointing Authority): name, surname, professional experience, employer of origin, country, since when is the SNE working for the employer, place of origin (city/country), CV

- Financial Identification Form (name, surname, address, telephone, fax, e-mail, bank name, branch address, account number, IBAN) and Legal Entities Form (name, surname, address, identity card number or passport number, date of birth, place of birth, country of birth, phone number, fax and e-mail) - for payment purpose, sent by the SNE

- Statement from the employer informing of the net salary received by the potential SNE (in case Fusion for Energy decide to reimburse the remuneration of the SNE)

- Sworn statements from the employer: concerning the seniority of the potential SNE (since when s/he is working for the employer) , his/her functions and absence of conflict of interest.

- Sworn declaration from the potential SNE: name, surname, date and place of birth, gender, marital status, number and age of dependent children, nationality, present address, highest diploma awarded and date of award, working languages, current professional activity, name of the employer, place of work, date of entry into service for this employer, is it part of the public or private sector, other professional activities during the past 3 years, professional activity of wife/husband and statement on absence of conflict of interest.

Recipients of the data processed:

- Human Resources Officer in charge of SNEs: access to data listed under “Categories of Data”.
- Human Resources Group leader: access to data listed under “Categories of Data”.
- Head of Administration: access to data listed under “Categories of Data”.

- Appointing Authority: receives SNE request form, CV and information on the potential SNE's net salary (if applicable)
- Permanent representation of the expert's employer member state: receives request letter including name, surname of potential SNE, name of his employer, his net salary (if applicable) and amount of allowances to be paid to him.
- SNE's employer: exchange of emails concerning the secondment conditions and request for approval. The employer receives the Decision of the Governing Board on the secondment of experts to the Joint Undertaking for ITER and the Development of Fusion Energy (F4E(13)-GB27-14.2). Once the secondment is approved the employer receives forms to be filled in concerning seniority, functions of the future SNE and absence of conflict of interest (see point 6)
- Internal auditor: for audit purpose, any type of data they may require in that framework
- Court of Auditors: for audit purpose, any type of data they may require in that framework
- Court of Justice, any type of data they may require in that framework

Date when processing starts:

Date of receipt of CV

Time limits for storage:

10 years following the termination of the secondment for the SNE who was actually seconded at Fusion for Energy;

2 years for the others.

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 their data being processed by contacting the Fusion for Energy Data Controller.

Right of rectification: according to Article 14 of Regulation 45/2001, the data subjects have also a right to rectify their data that are inaccurate or incomplete 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 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 45/2001n 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.

Limitation:

Article 20(1) of Regulation 45/2001 states that the data controller may restrict 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 or the Union;
- (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 cases referred to in (a) and (b).

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

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.