**Specific Privacy Notice on personal data protection in establishment of lists of potential F4E experts, their selection, the signing and follow-up of the contracts with individual experts**

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).

**Identity of the Data Controller:**

Mr Hans Jahreiss - Head of Administration Department of Fusion for Energy.

**Purposes of the processing operation:**

Calls for expression of interest with the aim of establishing lists of experts (in form of a online database), who can be selected to sign a contract with Fusion for Energy for the provision of specific expertise.

**Legal basis:**

- Council Decision of 27 March 2007 (L 90/58, 30.3.2007) establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it - 2007/198/Euratom;

- 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;

- Fusion for Energy Financial Regulation, Title VII (Experts) - Article 110, as last amended in 2012;

- Guidelines on how to select, appoint and pay F4E experts adopted on 27 September 2010 (F4E\_D\_239RQA v1.0).

**Lawfulness of the processing:**

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

Further, the data subject has unambiguously given his or her consent (Regulation 45/2001, Article 5(d)).

**Data Concerned:**

The data of natural persons who register online 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 Fusion for Energy for the provision of specific expertise.

There are Calls for expression of interest for experts published on Fusion for Energy website in two areas:

I. **Technical experts:**

Call for expression of interest for the establishment of a list of prospective individual experts to provide technical expertise to ‘Fusion for Energy’ was published on F4E website and in the Official Journal in 2008 (2008/C 169/05); The list following this Call expires 3rdh of July 2013 and therefore no new contracts with experts from this list could be signed any longer after that date.

Existing expert contracts are being followed up according to this procedure.

**II. Adjudicators:**

Call for expression of interest for the establishment of a list of prospective individual experts to act as adjudicators for disputes arising from Operational Contracts of Fusion for Energy (F4E D\_082626) was published on F4E website on 30 March 2010. The list established on the basis of this Call is valid until 30 March 2015.

The files of adjudicators experts are dealt with in the same manner as the ones for technical experts.

For details see: http://www.fusionforenergy.europa.eu/careers/workingasexpert.aspx

**Categories of data:**

At the registration to the list stage:

- 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, personal skills and competences, languages, social skills, organisation skills, technical skills, computer skills, artistic skills, driving skills.

- Photo, not requested, sometimes provided by applicants spontaneously.

All the information is provided directly by the applicant through the application form online (https://experts.f4e.europa.eu/Submissions.aspx) and goes automatically to the online database, mentioned under point 4 (see the print screen of Application Form attached in Annex I).

At the selection stage:

The same information as at the registration stage.

At the signature of the contract stage:

- CV which may contain information related to identity, nationality, gender, contact details, professional experience, education and training, personal skills and competences, languages, social skills, organisation skills, technical skills, computer skills, artistic skills, driving skills.

- Legal Entities Form and Financial Identification Form including bank statement if no bank stamp can be obtained.

- Copy of the identity card or passport.

At the payment of the fees and reimbursement of the travel expenditure stage:

- request for payment.

- supporting travel documents.

- calendar daily worked.

At all stages no special categories of data, as defined in Art. 10 of the Regulation 45/2001, are processed.

**Recipients of the data processed:**

Experts administrative manager of the Contracts and Procurement Unit

Experts administrative managers of the requesting department or unit

Head of the Contracts and Procurement Unit

Head of the Legal Service Unit

Responsible Legal Officer of the Legal service Unit (in case that it is the requesting unit for adjudicators experts or in case of a dispute)

Head of Administration Department

Authorising Officer (Director)

Responsible Finance officers

Responsible officer of the Accounting team

The supporting IT officer (for provision of technical assistance to the expert database tools)

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:**

On the date of the submission of online application following the Call for expression of interest.

**Time limits for retention:**

According to Title VII (Experts), Article 110.2 of F4E Financial Regulation, the list following the call for expression of interest shall be valid for no more than the duration of five years.

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

The files relating to personal data of the selected candidates are kept for 7 years following the end of the expert contract.

Files might be retained until the end of a possible audit if one started before the end of the above periods.

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 and audit purposes.

**Right of access and rectification:**

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 controller responsible for processing the personal data.

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.

According to Article 20(1)(c) of Regulation 45/2001 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 addresses:

Resources-Controller@f4e.europa.eu

DataProtectionOfficer@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.

In case of dispute, the competent forum to lodge an appeal is that of the Civil Service Tribunal, Rue du Fort Niedergrünewald, L-2925 Luxembourg.

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