

## PRIVACY STATEMENT

### **‘Registration, Selection and Management of External Experts’**

#### **1. Introduction**

The European institutions, bodies and agencies are committed to protecting and respecting your privacy in compliance with Regulation 2018/1725<sup>1</sup> (referred to hereinafter as “the Regulation”).

One of your rights under this Regulation is that you shall be informed when your personal data - also known as personal information - is processed (collected, used, stored, etc.) by any EU institution, body or agency. You also have the right to know the details and purpose of that processing.

On these pages you will find information about the processing of personal data in the context of "Registration, selection and management of External Experts" by EU institutions, bodies and agencies acting jointly as Joint Controllers<sup>2</sup>, for the management of programmes and initiatives (see Annex ‘Programmes and initiatives’).

Contact information for each Joint Controller according to the respective programme(s) of competence is provided in section 8 (see Annex ‘[Contact information list](#)’).

The Joint Controllers have signed a Joint Controllership Arrangement, the essence of which is provided herewith (see Annex ‘[Arrangement between the Joint Controllers](#)’). After the signature of the JCA, all references to “Controller(s)” in the annexes of the privacy statement should be understood as referring to Joint Controller(s).

#### **1.1 Whose personal data do we process?**

This privacy statement concerns the following categories of data subjects:

(i) External experts registered on the Funding & Tenders Portal (F&T Portal) to assist the European Institutions, bodies and agencies in the evaluation and monitoring of proposals and to provide opinions and advice in specific cases. This includes experts who are members of Commission Expert Groups as set out in Commission Decision C(2016)3301 establishing horizontal rules on the creation and operation of Commission expert groups. In this case,

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<sup>1</sup> Regulation 2018/1725 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295 of 21 November 2018).

<sup>2</sup> A Controller is an entity who determines the purposes and means of the processing operations (Article 3.8 of Regulation 2018/1725). Where two or more Controllers jointly determine the purposes and means of processing, they are Joint Controllers as defined in article 28 of the Regulation. With regards to the processing operations described in this Privacy Statement, the Joint Controllers have an arrangement between them on the responsibilities for compliance with Data Protection obligations.

please refer also to the record DPR-EC-00656 of the General Secretariat, relating to the publications in the Register of Commission Expert Groups<sup>3</sup>;

(ii) Persons appointed and empowered by the external experts to perform data entry and administrative tasks via F&T PORTAL on behalf of the external expert (hereinafter referred to as delegated actors);

## **2. Why do we process your data?**

### **2.1 Purpose of the processing**

We process your data for the purposes of registration, selection and management of external experts on the basis of calls for expression of interest according to Article 237 of the Financial Regulation<sup>4</sup>.

In particular, this includes:

- The establishment and maintenance of a database of external experts and delegated actors to assist the Joint Controllers with monitoring and review of actions; opinions and advice in specific cases such as the preparation, the implementation or the evaluation of EU programmes and the design of policies;
- The selection of experts;
- The management of the expert contracts. This includes the management of private legal entity, bank account data and contracts, to be registered in the Commission Accrual Based Accounting System (ABAC);
- The management of the reimbursement of expenses (reimbursement or contributions to travel and subsistence expenses, etc.);
- The payment of fees, where applicable and its publication in case it equals or exceed 15.000 EUR / year in line with the requirements of the Financial Regulation;
- A limited subset of personal information might be used for related communication activities, including surveys.

Your personal data may also be processed for the purposes of the Early Detection and Exclusion System Database (EDES-Database) managed by the European Commission, in compliance with the Financial Regulation. Information exchanged within the EDES is centralised in this database. The database contains information on economic operators that

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<sup>3</sup> In addition, the experts appointed as members of such groups will be provided by the respective Controller(s) with another data protection notice/privacy statement relating to the organisation and management of meetings of advisory and other experts groups, at the time they are invited to take part to such a meeting. For ERCEA, the selection procedure could also be on the basis of a proposal by the ERC Scientific Council. The Exclusion of Experts by applicants to ERC grants is notified in DPO notification 4-2011 of the ERCEA

<sup>4</sup> Regulation (EU, Euratom) no 2018/1046 of the European Parliament and of the Council of 18/07/2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2011, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision N541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012.

could represent a threat to the Union's financial interests, on economic operators who are in one of the exclusion situations listed in Article 136(1) of the Financial Regulation and on economic operators on which financial penalties are imposed (Article 138). The EDES foresees the right of the person concerned to be informed of the data stored in the database upon its request to the Commission. The information contained in the database is updated, where appropriate, following a request for rectification or an erasure or any modification of data. For more information, please visit the [Early Detection and Exclusion System \(EDES\) page](#).

## **2.2. On what legal ground(s) do we process your personal data?**

Depending on each category, the processing is necessary and lawful under:

- Article 5(1)(a) of the Regulation: processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body;
- Article 5(1)(b) of the Regulation: processing necessary for compliance with a legal obligation to which the Controller is subject;
- Article 5(1)(c) of the Regulation: processing necessary for the performance of a contract to which the data subject is a party;
- Article 5(1)(d) of the Regulation: consent of the data subject.

## **3. What data do we collect and process?**

The following personal data are collected and further processed:

- Registration data: The online self-registration of experts is managed via F&T Portal<sup>5</sup> (Expert area). The personal data collected when registering online are listed in the annex '[List of registration data](#)';
- Selection and contract management data: Once an expert has been pre-selected<sup>6</sup>, their data is collected for the preparation and management of the expert contract, including payments, declaration of conflict of interest and other administrative documents. The personal data collected is listed in annex '[List of selection and contract management data](#)'.

In case the experts provide further categories of personal data, whenever they are not compatible with the purposes for which the data processing takes place, this data will not be further processed by the Joint Controllers, or will be covered by additional, specific privacy statements.

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<sup>6</sup> Contacted but not necessarily yet contracted.

Special categories of data, as defined in Article 10 of the Regulation<sup>7</sup> are not collected nor further processed by the Joint Controllers, unless necessary for achieving the purposes under Point 2 above. For example, data subjects may provide health-related data on a voluntary basis, in order to request allowances, i.e. reimbursement of possible additional travel and/or accommodation costs relating to any special needs. For this purpose, provided the experts have explicitly agreed in accordance with Art. 10(2)(a) of the Regulation, they may submit a medical certificate and an estimation of the additional costs through the F&T Portal at the time of introducing supporting documents for their cost claims. If received by email, such data will not be retained longer than required to provide a response or process the request, unless necessary for achieving the purposes under Point 2 above.

For more details, please see annex [‘Detailed description of the processing’](#).

#### **4. How long do we keep your data?**

The Joint Controllers only keep your personal data for the time necessary to fulfil the purposes described above of collection or further processing.

For each category of data subjects concerned, please find below the retention details in line with the applicable Commission Retention list:

- For contracted experts: 10 years after the end of the Multiannual Financial Framework (MFF) during which the contract has been signed;
- For non-contracted experts<sup>8</sup> (who have completed their profile): 5 years after the end of the MFF during which you have registered or at the end of the following MFF if you have explicitly agreed that your data are kept until then.
- The personal data of delegated actors is retained for the duration of his/her appointment by the expert, in any case no longer than the retention period of the delegating expert.

Legal Entity (LE) Files and Bank Account (BA) Files are also stored in the Accrual Based Accounting (ABAC), for which the retention policy is indicated in the corresponding record.

Should the need arise to obtain extracts of judicial records for detection of fraud related to the contract or sanction procedures according to the Financial Regulation, those extracts shall not be kept longer than two years after the conclusion of the particular procedure.

Supporting documents relating to budget implementation are kept for at least five years from the date on which the European Parliament grants discharge for the budgetary year to which the documents relate<sup>9</sup>. The personal data contained in this type of supporting documents shall

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<sup>7</sup> Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning sex life or sexual orientation.

<sup>8</sup> Which includes registered, pre-selected, selected and with Legal entity and bank account validated in ABAC but not contracted and/or paid.

<sup>9</sup> In compliance with Article 75 of the Financial Regulation.

be deleted when those data are not necessary for budgetary discharge, control and audit purposes.

After each Multiannual Financial Framework, experts are asked to indicate if they wish for their data to be retained in the database of experts beyond this date in order to be considered for assignments for the forthcoming programmes. If they do not wish to be considered for future assignments, their data are deleted after the end of MFF.

In accordance with Article 4(1)(e) of the Regulation, your personal data may be retained and further processed for longer periods insofar as it is necessary for archiving purposes in the public interest, scientific, statistical or historical research purposes.

In case health data are provided by the data subject to the Joint Controller for accommodation, transportation or logistical purposes, any supporting documents containing these data are deleted when these data are no longer necessary for budgetary discharge control and audit purposes.

## **5. How do we protect and safeguard your data?**

All data in electronic format (e-mails, documents, uploaded batches of data etc.) are stored either on the servers of the European Commission or of its contractors.

All processing operations are carried out pursuant to the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.

The Commission's contractors are bound by specific contractual clauses and confidentiality clauses for processing operations of your data on behalf of the Commission, and by the confidentiality obligations deriving from the General Data Protection Regulation in the EU Member States ('GDPR' Regulation (EU) 2016/679).

In order to protect your personal data, the Joint Controllers have put in place a number of technical and organisational measures. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of each processing operation.

Access rights and controls are secured via the EU Login granted to persons authorised to get access to specific documents (call management, grant management, etc.)

All stakeholders involved in the evaluation and granting process are reminded to use the personal data received only for the purposes for which they were transmitted and to not further process any irrelevant and excessive data received with the proposals.

## **6. Who has access to your personal data and to whom is it disclosed?**

### **6.1 EU institutions, bodies and agencies**

Access to your personal data is provided to authorised staff of the Joint Controllers responsible for carrying out each processing operation based on the necessity and data minimisation principles. Such staff abide by statutory, and when required, additional confidentiality provisions.

Where necessary, the Joint Controllers may also share your personal data with their contractors for the purposes described under Point 2.

Unless you opt out (unticking the corresponding box), by default, your profile will be visible and accessible by all funding programmes of the EU Institutions, bodies and agencies. This could include programmes or initiatives other than the ones listed on F&T Portal at the time of your registration.

### **6.2 Research Funding Bodies with a public service mission based in EU/EEA countries**

Subject to a case-by-case evaluation in accordance with the provisions of this privacy statement, access to your registration data by other research funding bodies in EU/EEA countries may be granted only upon your prior explicit consent to the disclosure, in compliance with Article 5(1)(d) of the Regulation.

You can tick a box to authorise the corresponding disclosure in the Expert area of the F&T Portal.

### **6.3 Research Funding Bodies with a public service mission based in third countries (International transfers)**

Subject to a case-by-case evaluation in accordance with the provisions of this privacy statement, the Joint Controllers may transfer your personal data to research funding bodies with a public service mission in third countries, associated to H2020 or to other EU funding programmes in accordance with the Regulation for the purposes of the processing described in point 2.

You can tick a box to authorise the corresponding disclosure in the Expert area of the F&T Portal.

In such cases, the Joint Controllers will transfer your personal data based on:

- Adequacy decision of the Commission for a specific country/commercial sector (Article 47 of the Regulation);

- In the absence of adequacy decision or of appropriate safeguards pursuant to Article 48 of the Regulation, your explicit consent, provided in the Expert area of the Funding & Tenders Portal.

For each category of processing operations requiring prior consent, the data subjects who have opted-in are free to withdraw their consent at any time.

The information we collect will not be given to any other third party, except to the extent and for the purpose we may be required to do so by law.

For the full list of recipients please consult the annex '[List of recipients](#)'.

## **7. What are your rights and how can you exercise them?**

You have the right to access your personal data, the right to rectify them, if necessary, and/or to restrict its processing or erase them, if applicable. You are also entitled to object to the processing of your personal data, where relevant.

If you would like to exercise your rights under the Regulation, if you have comments, questions or concerns, regarding the collection and use of your personal data, please feel free to contact the Joint Controllers as explained in section 8 below.

You can at any time directly access or rectify your personal data in the F&T Portal online, upon logging on to the Expert area. You may also change your EU Login password which allows you to login to the system and update your personal information contained in your profile.

You may contact the Data Protection Officer of the Joint Controller and, if necessary, the European Data Protection Supervisor with regard to issues related to the processing of your personal data under the Regulation.

Please note that access to your personal data and its modification or deletion may be restricted by the Joint Controllers that have adopted Internal Rules restricting data subjects rights as provided for by Article 25 of the Regulation. This is in order to safeguard the rights of other data subjects and/or to respect the principles of equal treatment among applicants and/or the secrecy of deliberations. In that context, these rights may be restricted by the relevant Joint Controller on a case-by-case basis in line with the relevant Internal Rules, where necessary and appropriate for the purposes. This restriction shall be proportionate to what is strictly necessary for the purpose of the processing. In order to lift this restriction, the relevant Joint Controller will carry out a case-by-case assessment of each individual request and give the reasons underlying its decision. The restrictions will continue applying as long as the reasons justifying them remain applicable and may be lifted if these reasons would no longer apply.

## **8. Contact information**

If you have comments or questions, any concerns or a complaint regarding the collection and use of your personal data, please feel free to contact the Joint Controllers using the following functional mailbox: [ec-expert-area@ec.europa.eu](mailto:ec-expert-area@ec.europa.eu).

You can also find the contact details of each Joint Controller in the annex '[Contact information list](#)'.

### **Annexes:**

- [Arrangement between the Joint Controllers](#)
- [Detailed description of the processing](#)
- [List of registration data](#)
- [List of selection and contract management data](#)
- [List of recipients](#)
- [Contact information list](#)