

## (SERVICE SPECIFIC) PRIVACY STATEMENT

### **"Registration, Selection and Management of Independent Experts"**

#### **1. Introduction**

This privacy statement explains why we process, how we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you may exercise in relation to your data (the right to access, rectify, block etc.).

The European institutions are committed to protecting and respecting your privacy. As this service/application collects and further processes personal data, Regulation (EC) No 45/2001<sup>1</sup> is applicable.

This statement concerns the processing operation named "Registration, selection and management of Independent Experts" in the context of Programmes and Initiatives (see annex 'List of Programmes and Initiatives') managed by Directorates-General of the European Commission, and by the Executive Agencies and the Joint Undertakings of the Research family (hereinafter: the Controllers<sup>2</sup>):

The two following categories of independent experts are addressed with this privacy statement and the corresponding notifications of the Controllers:

- (i) Experts with contracts<sup>3</sup>;
- (ii) Meeting experts (with a link to notification DPO-2194 of the Secretariat General, relating to publication in the Commission Register of Expert Groups -for groups of two or more members meeting more than once).

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

Data is collected in the context of:

- Evaluation of proposals;
- Monitoring and review of actions;
- Preparation, implementation or evaluation of programmes and design of policies, which includes the Horizon 2020 advisory groups and other expert groups.

Individuals provide data for the establishment of a database of prospective independent experts to assist the Controller services with tasks in the context of the Programmes and Initiatives listed hereof.

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<sup>1</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 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 (OJ L8 of 12/01/2001).

<sup>2</sup> The Controller is the entity (here Directorate-General, Executive Agency or Joint Undertaking) which determines the purposes and means of the processing operations (cf. Article 2(d) of the Regulation).

<sup>3</sup> In the case of the European Research Council, there is also the category of remote reviewers, who sign appointment letters.

Eventually, additional processing operations are proposed to experts only further to their unambiguous consent (cf. section 6).

Contact information for each Controller<sup>4</sup> in line with their respective programme(s) of competence relating to the collection and further processing operations of the data is provided in section 8 (see annex "**Contact information list**").

## **2.1 Purpose of the processing**

The purpose of the processing operations is the registration, selection and management of external experts on the basis of calls for expression of interest according to Article 181.4 of the Financial Regulation<sup>5</sup>.

If an expert is selected, he/she gets a contract for activities that involve the evaluation of proposals submitted under annual calls for proposals, monitoring or evaluating funded projects and other tasks related to the concerned programmes and initiatives managed by the concerned Controller (cf. '**List of Programmes and Initiatives**' of section 1).

For H2020, the call for expression of interest relates to tasks listed in Art 40.1 of the rules for participation<sup>6</sup>.

In addition, for ERCEA, the selection procedure<sup>7</sup> could also be on the basis of a proposal by the ERC Scientific Council.

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<sup>2</sup> H2020 Controllers: Directorate-General for Research and Innovation (DG RTD), Directorate-General for Communications Networks, Content and Technology (DG CNECT), Directorate-General for Enterprise and Industry (DG GROW), Directorate-General for Mobility and Transport DG MOVE), Directorate-General for Energy (DG ENER), Directorate-General for Education, Audio-visual and Culture (DG EAC), Directorate-General for Agriculture and Rural Development (DG AGRI), Directorate General for Migration and Home Affairs (DG HOME), Executive Agency for Small and Medium-sized Enterprises (EASME), European Research Council Executive Agency (ERCEA), Head of Unit of Programme Support, Coordination & Communication Unit R01 Innovation and Networks Executive Agency (INEA), Head of Health Unit, Consumers, Research Executive Agency (REA), Joint Undertakings (CleanSky, ECSEL, FCH, IMI, BBI, Shif2Rail, SESAR). Cf. Article 2(d) of the Regulation for the definition of Controller.

Non-H2020 Controllers: Directorate-General for Justice (DG JUST), Food and Health Executive Agency (CHAFAEA), Education, Audio-visual and Culture Executive Agency (EACEA), European GNSS Agency (GSA), European Institute of Innovation and Technology (EIT), Head of unit A.1 COSME Executive Agency for Small and Medium-sized Enterprises (EASME) .

<sup>5</sup> Regulation (EU, Euratom) no 966/2012 of the European Parliament and of the Council of 25/10/2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L298 of 26/10/2012)

<sup>6</sup> Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in "Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)" and repealing Regulation (EC) No 1906/2006 (OJ L 347, 20.12.2013, p. 81).

<sup>7</sup> The ERC selection procedure is partly based on the annual information exercise in which objective information on evaluation panel members is collected to allow their review and ensure an appropriate panel composition (e.g. expertise, gender and geographical balance).

Moreover, the purpose of the processing operations is also to manage the reimbursement of expenses (travel expenses, etc.) the payment of allowances and fees , where applicable, and the subsequent management of the Experts and their contracts.

The processing operations are necessary in order to proceed with the evaluation of project proposals requesting financial support from the relevant programmes, ensure the management and monitoring of projects, actions and activities, evaluate and strengthen the effective implementation of EU research and innovation policies or programmes and the achievement and functioning of the European Research Area, evaluate the research and innovation programmes and their design as well as the impact of the Controllers' activities, and prepare future programmes. External experts may also be contacted by a Controller or their contractors for voluntary surveys.

Furthermore, information provided may lead to an entry in the Early Detection and Exclusion System Database (EDES-Database) managed by the European Commission, in compliance with Regulation (EU, Euratom) 2015/1929 (FR)<sup>8</sup>. Information exchanged within the EDES will be centralised in this database. The database shall contain information on economic operators that could represent a threat to the Union's financial interests, economic operators who are in one of the exclusion situations listed in Article 106 (1) of Regulation (EU, EURATOM) 2015/1929 and economic operators on which financial penalties are imposed (Article 106 (13), in the form of cases created therein. 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 shall be updated, where appropriate, following a request for rectification or an erasure or any modification of data. For more information, please visit:

[http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm)

Experts should delete any data, including personal data, they have received in the context of the evaluations as soon as no further action or follow-up is required and taking into account the requirements foreseen in article 12 of the model expert contract concerning checks and audits.

## **2.2 Lawfulness of the processing**

For the processing operations described hereof, and depending on each category of processing (cf. details in section 3), Articles 5(a)- public interest, 5(c)- contractual purpose or 5(d)- prior-consent- of Regulation (EC) No 45/2001 are applicable.

## **3. Which data do we collect and process**

The Data Subjects are individuals interested in being contracted or appointed by the Controllers.

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<sup>8</sup> Regulation (EU, Euratom) 2015/1929 of the European Parliament and of the Council of 28 October 2015 amending Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union (OJ L 286, 30.10.2015).

The data is collected directly from the Data Subjects.<sup>9</sup>

### **3.1 Online registration of experts**

The online registration of experts is centrally managed by the Research Executive Agency (REA), acting as Controller via the Participant Portal, and locally by each Controller. The personal data collected when registering online (Expert area in the Participant Portal) are listed in the annex '**List of registration data**'.

### **3.2 Expert selection and management**

Once an Expert has been pre-selected<sup>10</sup>, the following data is collected for the creation and follow-up of the Expert contract or invitation letter, and Expert payments:

Annex '**List of selection and contract management data**'

Experts may supply any additional information on a voluntary basis.

### **3.3 Special categories of data**

When contracted, the data subject is requested to sign a declaration of conflict of interest or absence of conflict of interest, and the code of conduct for Experts.

No special categories of data<sup>11</sup> as defined in Article 10 of Regulation (EC) No 45/2001 are collected neither processed on request of the Controller.

Nevertheless, data subjects are free to provide voluntary health-related data due to their special needs in order to be refunded of possible additional costs relating to the subsequent accommodation and travel specificities. This may be justified according to Article 10(2)(a) of Regulation (EC) No 45/2001 on condition that these data are submitted on a voluntary basis and thus with the data subject's consent.

In any case, only necessary information would be collected in order to certify the existence of those special needs and related costs. To this aim, only one specific medical certificate from a national health service and an estimation of the additional costs made by a national medical centre is requested.

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<sup>9</sup> For the ERCEA, there are some exceptions which are described in details in the different lists and documents attached to this SPS.

<sup>10</sup> The Exclusion of Experts by applicants to ERC grants is notified in DPO notification 4-2011 of the ERCEA.

<sup>11</sup> Data revealing racial or ethnic origin, political opinions, religion of philosophical beliefs, trade-union memberships, or data concerning health or sex life.

Any Controller's staff member in charge of the processing of health related data would be subject to the specific obligation of secrecy equivalent to that of a health professional according to Article 10(3) of Regulation (EC) No 45/2001, and might be requested to sign a specific professional secrecy declaration if necessary.

Irrelevant or excessive data are not retained by the Controller.

For more details, cf. the annex "**Detailed description of the processing**".

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

##### **4.1 Standard categories of data**

- For experts selected by a Controller, personal data is kept for 10 years after the end of the particular programme on which they provided their services.<sup>12</sup>

The Legal Entity Files and Bank Account Files are also stored in the Accrual Based Accounting (ABAC) database which is administered by the European Commission (DG BUDG) and to which the Controllers have access.

Should the need arise to acquire extracts of judicial records for the detection of fraud related to the contract or procedures relating to sanctions according to the revised Financial Regulation and its rules of application<sup>13</sup>, those extracts shall not be kept longer than two years after the accomplishment 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>14</sup>. The personal data contained in this type of supporting documents shall be deleted where possible when those data are not necessary for budgetary discharge, control and audit purposes.

Personal data contained in supporting documents are deleted where possible when these data are no longer necessary for budgetary discharge control and audit purposes.

- For experts not yet selected by a Controller, their personal data is kept for the duration of the related programme's activities for which they have registered.

Experts are asked to indicate if they wish that their data be retained in the database of experts beyond this date in order to be considered for assignments for the forthcoming programme. If

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<sup>12</sup> As required by the Common Commission Retention List (CRL, SEC(2012)713).

<sup>13</sup> Commission delegated regulation (EU) 2015/2462 of 30 October 2015 amending Delegated Regulation (EU) No 1268/2012 on the rules of application of Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (L 342/7, 29.12.2015).

<sup>14</sup> In compliance with Article 48(d) of the Rules of Application of the Financial Regulation, *ibid.*

they do not wish to be considered for future assignments, their data are deleted after the end of the programme<sup>15</sup>.

- For unsuccessful and withdrawn experts, their personal data may be retained only for up to 5 years after the end of the particular procedure to allow for all possible appeals.

Personal data not updated for 10 years will be removed from any relevant database.

Anonymous or encrypted data can be retained and further processed for a longer period for statistical, historical or scientific purposes.

#### **4.2 Special categories of data**

In case health data are provided by the data subject to the Controller for accommodation and transportation purposes, any supporting documents containing these data are deleted where possible when these data are not necessary anymore for budgetary discharge control and audit purposes.

#### **5. How do we protect 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; the operations of which abide by the European Commission's security decision of 16 August 2006 (C(2006) 3602) concerning the security of information systems used by the European Commission.

Access rights and controls are secured via the European Commission Authentication Service (ECAS) 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 purpose for which they were transmitted and to disregard all irrelevant and excessive data received with the proposals.

The personal data is stored in databases that reside on the Controllers' servers, the operations of which abide by the European Commission's security rules and provisions established by the Directorate-General of Human Resources and Security that are continuously updated and revised.

Finally, the Commission's contractors are bound by a specific contractual clause for any processing operations of your data on behalf of the Commission, and by the confidentiality

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<sup>15</sup> For researchers who have provided their ID (cf. section 10.1), the latter will not be eliminated from the Controller's data bases at the end of the retention period, unless the data subject has submitted a request for elimination to the Controller, at any time as from the end of the applicable retention period.

obligations deriving from the transposition of Directive 95/46/CE<sup>16</sup> as repealed by Regulation (EU) 2016/679<sup>17</sup>.

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

Recipients of the Community institutions and bodies are reminded of their obligation to process the personal data provided to them only for the purposes for which they were transmitted (Article 7(3) of Regulation (EC) No 45/2001).

For the full list, please consult the annex '**List of recipients**'.

The list of the accesses that might be granted only further to your prior agreement is provided in the Expert area of the Participant Portal, as well as any relevant information for each of these accesses.

For each of the latter ones, you can tick a box to authorise the corresponding disclosure. Therefore, no such access will be granted if you have not provided your unambiguous consent on the proposed disclosure, in compliance with Article 5(d) of Regulation (EC) No 45/2001.

Moreover, 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,

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

According to Regulation (EC) No 45/2001, you are entitled to access your personal data and rectify and/or block it in case the data is inaccurate or incomplete:

- In case you wish to access your personal data, and have inaccurate or incomplete data rectified, for the **Participant Portal** you can at any time directly access or rectify your personal data online upon logging on to the Expert area. You may also change your ECAS password which allows you to login to the system and update your personal information contained in your profile. Your choice for the opt-ins regarding access to your data can be changed by you at any time;
- In case you wish to delete your personal data, you should send an email to the functional mailbox indicated in section 8 below;
- For **local repositories** you can contact the Controller as explained in section 8;
- For **other questions further to your appointment**, you can contact the Controller, by using the contact information given in your contract or under section 8, specifying the details of your request.

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<sup>16</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281 , 23/11/1995).

<sup>17</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) (OJ L 119, 4.5.2016).

In case of conflict you can contact the Data Protection Officer, and if necessary the European Data Protection Supervisor (cf. contact details in section 8).

## **8. Contact information**

If you would like to receive more information regarding the processing operation and the information that is collected and processed via the Participant Portal, i.e. in relation to your on-line registration (cf. 3.1), you may send an email to the Controller, using the following functional mailbox: [ec-expert-area@ec.europa.eu](mailto:ec-expert-area@ec.europa.eu).

For any other contact request, please consult the annex '**Contact information list**'.

For specific information on data protection, you may also contact the Data Protection Officer (DPO) of the relevant Controller. The list and contact details of DPOs are provided in the '**Contact information list**' referred to hereof.

Data subjects have the right to have recourse to the [European Data Protection Supervisor \(EDPS@edps.europa.eu\)](mailto:EDPS@edps.europa.eu), preferably after a first contact with their Controller.

## **9. Where to find more detailed information?**

The Commission Data Protection Officer publishes the register of all operations processing personal data. You can access the register on the following link: <http://ec.europa.eu/dpo-register>.

This specific processing has been notified to the DPO of each participating institution or body (the Controller).

### **Annexes:**

- List of programmes and initiatives
- Detailed description of the processing
- List of registration data
- List of selection and contract management data
- List of recipients
- Contact information list