

Privacy statement

regarding prevention and management of the conflict of interests and decision-making processes to avoid conflict of interest of the European Institute of Innovation and Technology staff members

This privacy statement provides information relating to the processing of personal data of EIT staff (temporary agents, contract agents, trainees and seconded national experts) and applicants during recruitment process at EIT within the framework of prevention and management of the conflict of interests and decision-making processes to avoid conflict of interest.

The processing of personal data of the candidates follows the provisions of Regulation (EU) 2018/17251 of the European Parliament and of the Council 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/EC¹ (hereinafter “the Data Protection Regulation of the European institutions”).

What is personal data and what is a personal data processing operation?

Personal data shall mean any information relating to an identified or identifiable natural person (“data subject”). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, and identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Who are the data subjects?

The data subjects are:

- the candidates/applicants for temporary agent, contract agent and trainee positions at the EIT;
- EIT recruited staff (TA, CA, trainees, seconded national experts);
- close family members of the above persons may be also data subjects, as the EIT staff/applicants for position at EIT are obliged to declare the interest of their family members, if these interests relate to the EIT’s activities;²

Who is the controller of the data collection?

The data controller is the **EIT Director**.

What is the purpose of the personal data collection?

¹ OJ L 295, 21.11.2018, p. 39-98

² “Close family member” are considered to be partners (i.e. persons forming parts of the household) or persons dependent on the individual. For privacy reasons neither the relationship nor the name is to be included

Personal data is collected for the purposes of managing the conflict-of-interest situations to ensure the independence and impartiality of the EIT staff.

What types of personal data are processed?

The following types of personal data are processed for the above-mentioned purposes in accordance with the Data Protection Regulation of the European institutions:

The categories of requested data depend on the type of Declarations of Interests submitted by the data subjects in line with Decision 09/2023 of the Governing Board of the EIT on the prevention and management of conflicts of interest and decision-making processes to avoid conflicts of interest of the EIT staff members³

1. Declaration of Conflict of Interests for non-managers (pre-recruitment and returning from unpaid leave)

- First name, surname Financial interests and other sources of conflict of interests (if applicable)
- Address for correspondence
- Home telephone number
Work telephone number
- E-mail address
- Applicant number in any European Union competitions/selection procedures (if applicable)
- Personal interest, in particular a family or financial interest, or data regarding representation any other interests of third parties that may lead to Col (if applicable)
- Any other element that could be seen as jeopardising independence when working for the EIT (in case of staff returning from unpaid leave)
- In case of trainee recruitment: any professional connections with third parties which might be incompatible with the traineeship connected with the work of the EIT (i.e. KICs, lobbyists, etc.)
- Position in EIT (In case of staff returning from unpaid leave)
- Signature

2. Declaration of Conflict of Interest for managers (pre-recruitment)

- Current financial interests and other sources of conflict of interests, where applicable
- Position in EIT (unit/job)
- Data regarding employment and professional interest within the past 5 years (including name of public or private entity, time period, function position/activity, etc)
- Data regarding membership of a managing body, or equivalent structure within the past 5 years (including name of public or private entity, time period, function /activity, etc)
- Data regarding membership or affiliation within the past 5 years (including name of public or private entity, time period, function /activity, etc)
- Data regarding economic interests within the past 5 years (including the name of organisation or commercial entity and time period)- stocks and shares, equity, bonds, partnership interests in the capital of a company, one of its subsidiaries, or a company in which it has a holding

³ Ares(2023)1853331 – 14/03/2023



- Data regarding intellectual property rights (e.g. patent, trademark or copyright, including name of organization or commercial entity)
 - Data regarding close family members current interests in the field of activity of EIT, including the name of organisation or commercial entity, function/activity, etc
 - Signature
- 3. Declaration regarding the gainful employment of spouse or partner**
- First name, surname
 - Department/Unit/Job
 - Data regarding spouse's or partner's gainful employment
 - Data regarding financial and/or business links between EIT and the organization for which applicant's spouse/ partner works
 - Signature
- 4. Declaration Conflict of interest Selection Board (recruitment)**
- Name of Selection Board member/HR representative
 - Data regarding the relation to the candidate and if there is a potential Col
 - Signature
- 5. Conflict of Interest Declaration for the reclassification exercise (JRC)**
- First name, surname
 - Position
 - Function within JRC (chair/member/alternate)
 - Signature
- 6. Conflict of Interest Declaration for the Joint Committee shall be submitted before their appointment**
- First name, surname
 - Function
 - Function within Joint Committee (member/Chair/alternate)
 - Signature
- 7. Application for authorisation of outside activities**
- Staff member's name and surname
 - Unit/Department
 - Personnel number
 - Function Group/Grade
 - Contract duration
 - Position
 - Data regarding subject of the application
 - Data regarding activity (including time period, unpaid/paid, if paid remuneration amount)
 - Data regarding status of employment at EIT (active/unpaid leave)
 - Data regarding remuneration for outside activities that have been already authorised and performed during the year preceding the signing of declaration
 - Signature

8. Declaration of Honour for Staff Leaving the service

- First name, surname
- Position
- Personnel No.
- Contact address
- Telephone number
- Signature

9. Application for Authorisation of occupational activities after leaving the service

- First name, surname
- Unit
- Position
- Data regarding occupational activity, including information regarding employer, the starting date, the activities data subject is going to carry out (gainful or not)
- Signature

10. Application for authorisation to accept a gift or favour

- First name, surname
- Department/Unit/Job
- Data regarding gift/favour
- Signature

11. Application for authorisation-Publication

- First name, Surname
- Unit/Department
- Position
- Data regarding title and details of publication
- Data regarding costs covered by sponsor
- Data regarding the gifts or favours or remuneration for activities performed from the person/organisation during the preceding year
- Signature

12. Declaration of candidature for public office

- First name, Surname
- Unit/Departement
- Position
- Data regarding the public office (nature, country and place in which public office is to be exercised, name of election list, position on election list, duration of election campaign, including duration and performance during working hours)
- Signature

13. Ad hoc Declaration of Conflict of Interests (SDoI)

- First name, Surname

- Data provided regarding personal interest, in particular a family or financial interest, or representation of any other interests of third parties
- Data provided regarding the description of the nature of the matter potentially causing the conflict, including reasons/personal interest of data subject
- Signature

14. Annual declarations for managers

- First name, surname
- Position in EIT
- Data regarding employment and professional interest within the past 5 years (including name of public or private entity, time period, function position/activity, etc)
- Data regarding membership of a managing body, or equivalent structure within the past 5 years (including name of public or private entity, time period, function /activity, etc)
- Data regarding membership or affiliation within the past 5 years (including name of public or private entity, time period, function /activity, etc)
- Data regarding economic interests (including the name of organisation or commercial entity and time period)- stocks and shares, equity, bonds, partnership interests in the capital of a company, one of its subsidiaries, or a company in which it has a holding
- Data regarding intellectual property rights (e.g. patent, trademark or copyright, including name of organization or commercial entity
- Data regarding close family members current interests in the field of activity of EIT, including the name of organisation or commercial entity, function/activity, etc
- Signature

The EIT does not require the applicants to submit any special category of data listed in Article 10 of the Data Protection Regulation of the European institutions as part of submitting Declarations of Conflict of Interest. If participants decide to share such information this is done spontaneously and thereby with unambiguous and explicit consent of the data subject.

Who has access to the personal data?

Within the EIT:

The personal data of the EIT staff and candidates for positions at EIT may be processed by the responsible EIT staff: HR staff, responsible Head(s) of Unit/Departments, Ethics Officer, and the Director of the EIT⁴.

The personal data may be processed by EIT Legal Section staff on a need-to-know basis, such as in the case of complaints.

Access to the personal data may be given to the Internal Control Coordinator of the EIT by request of the EIT Director if necessary for the performance of the duties of the Internal Control.

Within the Commission:

The access to personal data may be granted to the Internal Audit Service of the Commission, the Legal

⁴ For cases involving the processing of data related to the EIT Director's Declaration of Conflict of Interest, personal data is processed by the authorised HR staff, Ethics Officer, CoIAC and Chair of the GB (if applicable)



Service of the Commission, OLAF upon request and only if necessary, in the context of official investigations or for audit purposes.

Within other EU institutions and bodies:

For the purpose of handling review procedures and litigation, access to the personal data may be granted to the European Ombudsman, the European Data Protection Supervisor, the General Court and the European Court of Justice upon request and to the extent necessary for handling the review procedure and litigation.

Third parties subject to the GDPR⁵ and third parties not subject to the GDPR:

We commit not to disclose or share any data with third parties, in accordance with the principles outlined in the Data Protection Regulation of the European institutions.

Exceptionally, and if necessary, personal data (e.g. in case of complaints management or court disputes) may be disclosed to law firms. The respective data recipient will handle your personal data in accordance with the instructions of the Data Controller (EIT). The agreement between the parties will include relevant provisions regarding data protection.

What are the rights of the data subject?

In accordance with Articles 15,17, 18, 19 of the Data Protection Regulation of European Institutions the data subjects have the **right for information**, the **right of access**, the **right of rectification** in case their personal data is not complete or not accurate and the **right to erasure** (“right to be forgotten”).

The rights **for information and of access** also include a right of the data subject to have access to the evaluation results regarding all the stages of the selection procedure (e.g. pre-selection, interview, written tests). One should also keep in mind that in any case neither comparative data concerning other applicants (comparative results), nor to the individual opinions of the members of the Selection Committee should be disclosed to the data subject.

The EIT points out that the **right of the rectification** during the selection process has the limits. The data subject after the closing date of submitting the applications cannot request the change or rectification of any data related to the eligibility and selection criteria as published in the vacancy notice. This restriction is necessary to guarantee the fairness of the selection procedure. At the same time no limits apply to the right of rectification of the identification data, therefore they can be changed at any time of the selection process.

Candidates have the right to obtain the **erasure** of their personal data in accordance with Article 19 of the Data Protection Regulation of European Institutions and in particular in the cases when the personal data are no longer necessary in relation to the purposes for which they were collected, if the data subject withdraws its consent, or in case of unlawful processing.

Data subjects have also the **right to restriction** of processing of personal data in accordance with Article 20 of the Regulation, and the **right to object** on grounds listed in Article 23 of the Data Protection

⁵ 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)

Regulation of European Institutions.

The rights can be only exercised by sending a request in a written form to the EITHR@eit.europa.eu. The requests shall be handled within 15 working days; this period may be extended by further two months where necessary, taking into account the complexity and number of requests. In case the data subject contests the accuracy of the data, upon request, the data is restricted immediately for the period of verification of the accuracy of the data, not exceeding on month.

Restrictions to the rights of data subjects may be applied by the EIT, in accordance with Article 25 of the Data Protection Regulation of the European institutions and the EIT internal rules on restrictions⁶.

For how long the data is retained?

The EIT only keeps your personal data related to management of conflict-of-interest situations of EIT staff (contained in Declarations of Interest) for the time necessary to fulfil the purpose of collection or further processing, namely, for **EIT Staff, 5 years** after the discharge for the last budgetary year in which they worked for the EIT, and, for the **Executive Director, 5 years** after the discharge for the budgetary year in which the Executive Director terminate its mandate.

Who should be contacted in case of queries or complaints?

If you have any queries concerning the processing of your personal data, you may address them to the EIT department responsible for managing the staff recruitment procedure at the following email: EITHR@eit.europa.eu.

You have the right of recourse at any time to the EIT's Data Protection Officer (EIT-DPO@eit.europa.eu) and to the European Data Protection Supervisor (EDPS@edps.europa.eu) or contact the site: <http://www.edps.europa.eu/EDPSWEB/>

What is the legal basis of the processing personal data?

General legal basis:

- Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council, and in particular Articles 9, 10a and 110(2) thereof, Article 1 of Annex II to the Staff Regulations and Article 7 of the CEOS⁷, hereafter referred to as the "Staff Regulations" and "CEOS"
- Regulation (EU) 2021/819 of the European Parliament and of the Council of 20 May 2021 on the European Institute of Innovation and Technology (recast)⁸

Specific EIT legal basis:

⁶ Ares(2023)4368918

⁷ OJ L 56, 4.3.1968, p. 1, last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p.15

⁸ OJ L 189, 28.5.2021, p. 61–90

- Decision 14/2010 of the European Institute of Innovation and Technology (EIT) of 21 May 2010 on adopting the Ethical and Organisational Code of Conduct at the EIT⁹
- Decision 09/2023 of the Governing Board of the European Institute of Innovation and Technology (EIT) on the prevention and management of conflict of interest and decision-making process to avoid conflicts of interest of the EIT staff members¹⁰
- Decision 40/2018 of the Governing Board of the European Institute of Innovation and Technology (EIT) on outside activities and assignments and on occupational activities after leaving the service¹¹
- Decision 17/2016 of the Governing Board of the European Institute of Innovation and Technology (EIT) laying down general implementing provisions regarding article 87(3) of the Conditions of Employment of Other Servants of the European Union¹²
- Decision 18/2016 of the Governing Board of the European Institute of Innovation and Technology (EIT) laying down general implementing provisions regarding article 54 of the Conditions of Employment of Other Servants of the European Union¹³

Grounds for lawfulness

In line with Article 5.1 (b) of the Data Protection Regulation of the European institutions, the processing is necessary for compliance with a legal obligation to which the controller is subject.

⁹ 00016.EIT.2010/I/Dir/CN/AdO

¹⁰ Ares(2023)185331 – 14/03/2023

¹¹ Ares(2019)222375 – 15/01/2019

¹² 01797.EIT.2016.I.GB.WP

¹³ 01798.EIT.2016.I.GB.WP