

## Privacy statement regarding the management of conflict of interests of members of the EIT Governing Board and the European Commission Observer

This privacy statement provides information relating to the processing of personal data of by the European Institute of Innovation and Technology (EIT) concerning the management of conflict of interests of members of the EIT Governing Board and the European Commission Observer.

The processing of personal data follows the provisions of Regulation (EU) 2018/1725 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/EC<sup>1</sup> (hereinafter “the Regulation”).

### 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, an 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:

- 1) Members of the EIT Governing Board, including its Chairperson.
- 2) Former members of the EIT Governing Board, within two years of the end of their mandate, are data subjects as regards their prospective employment.
- 3) Close family members (Article 2(h) of the Code of Good Conduct<sup>2</sup>) of the above persons may be also data subjects, as the Governing Board members are obliged to declare the interest of their family members, if these interests relate to the EIT’s activities.
- 4) In the case of the Declaration of Confidentiality and Interests for Members of the Steering Committee and the European Commission Observer regarding the Selection Procedure for New EIT Governing Board Members, the Observer appointed by the European Commission is also a data subject.

---

<sup>1</sup> OJ L 295, 21.11.2018, p. 39–98.

<sup>2</sup> Decision 13/2015 of the Governing Board of the EIT on the Code of Good Conduct on conflicts of interest for Members of the EIT Governing Board (ref. 00227.EIT.2015.GB35).

### Who is the controller of the data processing?

The data controller is the Director of the EIT.

### What is the purpose of the personal data processing?

The purpose of processing personal data is the management of the actual/potential Conflict of Interests of Members of the EIT Governing Board.

The data processing operations include the collection, recording, organisation, storage, consultation, use, disclosure by transmission, erasure and destruction of personal data. In particular, the personal information of the GB members contained in their filled declarations are accessed, evaluated, stored and eventually destroyed.

### What types of personal data are processed?

The data requested from the members of the Governing Board are information related to:

- the stocks, shares, bonds, partnership interests in the capital of a company, one of its subsidiaries or a company in which it has a holding;
- if they are members of an advisory body (participation in the internal decision-making body (e.g. board membership, directorship) of a public or private entity, carrying out any of the EIT activities;
- if they are members of a managing body or equivalent structure;
- if they have a strategic Advisory role;
- if they provide advice or consultancy in a particular field;
- employment;
- intellectual property rights;
- interests of close family members or other membership or affiliation.

(Please see Article 2, 3 and 5 of the above mentioned Code of Conduct).

### **Type of declarations and categories of requested data:**

For the exact categories of data requested, please also see the forms annexed to the Code of Good Conduct of the EIT members of the Governing Board on Conflicts of Interest:

#### **1) Declaration of Intention (DoI)**

Name  
Position

#### **2) Annual Declaration of Interests (ADoI)**

Name  
Position  
Organization

Economic interest\*  
Member of a managing body or equivalent structure\*  
Member of an Advisory Body\*  
Strategic Advisory role\*  
Consultancy/Advice\*  
Employment\*  
Intellectual property rights\*  
Interests of close family member\*  
Interests of close family members\*  
Other membership or affiliation\*  
Other\*

### **3) Specific Declaration of Interest (SDoI)**

Name

Any information on interests which can be considered prejudicial to the GB member's independence with respect to the items on the agenda of each Governing Board meeting.\*

### **4) Declaration of Interests on the Evaluation of the KIC's Proposals**

Name

Position

Information whether the GB member\*

- was involved in the preparation / submission of a proposal
- benefits directly or indirectly if the proposal is accepted
- is employed / contracted by any KIC legal entity or any KIC partner organizations
- close family member was directly involved in the preparation or submission of a proposal

### **5) Declaration of Interests on the KIC's Business Plans**

Name

Position

Information whether the GB member\*

- was involved in the preparation / submission of a Business Plan
- benefits directly or indirectly if the Business Plan is accepted
- is employed / contracted by any KIC legal entity or any KIC partner organizations
- close family member was directly involved in the preparation or submission of a Business Plan

### **6) Declaration of prospective employment and confidentiality for Members of the Governing Board having left the Governing Board**

Name

Position

New activity / employment\*

- Name and address of the organization/company/body\*
- Telephone
- Job title\*

- Nature of the activity\*

## 7) Declaration of Confidentiality and Interests for Members of the Steering Committee and the European Commission Observer regarding the Selection Procedure for New EIT Governing Board Members

Name

Position

Information whether the GB member\*

- has any conflicts of interest with any of the candidates that have applied for the Call for Expressions of Interest.

The declarations may contain information relating to the following conflict of interest situations (non-exhaustive list):\*

- Membership of or legal or factual relationship with the same private or public entity in which a candidate is employed or with which a candidate is in any other legal or factual relationship;
- Employment of or by a candidate;
- Family or close personal relationship with any candidate; and/or
- Economic interest in relation to the candidate or stakeholder or organisation putting forward the candidate.

### General comments:

- Annual declaration of Interests, Declaration of Interests on the Evaluation of the KIC's Proposals and Declaration of Interests on the KIC's Business Plans are published on the EIT website, with the signature of the data subject erased.
- All categories of the personal data indicated with an asterisk (\*) are filled in by the data subjects in case there is a potential or actual conflict of interest. In accordance with the definition of "personal data" as laid down in Article 3(1) of the Data Protection Regulation of the European institutions, from the above list of data, the categories of data indicated with an asterisk (\*) shall be considered as personal data only if they allow for the precise identification of the data subject.
- Special categories of data (see Article 10 of the the Data Protection Regulation of the European institutions) are not requested from the data subjects; nevertheless, the declarations may accidentally include such data. In these cases, these data are removed before the publication on the EIT website.
- Outside the scope of the above mentioned different declarations, whenever at the beginning of a Governing Board meeting declarations of interest are recorded in minutes, consideration is given that registered information is adequate, relevant and not excessive for the purpose.

## Who has access to the personal data of data subjects and to whom can they be disclosed?

### **Within the EIT:**

The personal data is processed by the EIT authorised staff: Chairperson of the EIT Governing Board, Director of the EIT, Secretariat of the EIT Director, Legal Officer of the EIT, and Data Protection Officer of the EIT.

The assessment of the conflict of interest declarations, including the application of mitigating measures, is carried out by the EIT Director, with the support of the EIT Directorate and in consultation with the Chairperson of the EIT GB.

EIT staff members in charge of the preparation of the relevant decision-making processes are informed on a need-to-know basis.

Access will be given to the Internal Auditor of the EIT by request and if necessary for the performance of the duties of the Internal Auditor: depending on the nature and the scope of the specific audit, the Internal Auditor will be given access to personal data which is relevant for and serves the purpose of the specific audit exercise.

### **Within the Commission and other EU institutions/bodies/agencies:**

The authorized staff that may have access to relevant personal data for audit control or investigation purposes: Court of Auditors, Internal Audit Service of the European Commission, European Anti-Fraud Office (OLAF).

In case of a complaint of the data subject, access to personal data may be granted also to the European Ombudsman, the European Data Protection Supervisor, the General Court and the European Court of Justice and to the extent necessary for handling the complaint.

### **Third parties subject to the GDPR<sup>3</sup> and third parties not subject to the GDPR:**

Exceptionally and if necessary, personal data concerning management of the data relating to the declarations of the absence of conflict of interests for the EIT Governing Board members may be disclosed to external lawyers (advocates) subject to the GDPR for specific and limited purposes only. In this case a written contract (service contract) is signed between the EIT and the external lawyer in order to ensure that that Article 29 of the Regulation is respected by the data processor. These written contracts follow the model of the Commission and include a specific article on data protection.

The same applies to external IT contractors with whom the EIT has a framework contract in order to provide IT services for the EIT.

---

<sup>3</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).

### How long do we keep your data?

The EIT only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for **five years after the discharge for the budgetary year**.

### 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 data subjects have the right to obtain the **erasure of their personal data** in accordance with Article 19 of the Regulation 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 Regulation.

The rights can be only exercised by sending a request in a written form to the [EIT-Director@eit.europa.eu](mailto:EIT-Director@eit.europa.eu). As a general rule, the requests for information, access, rectification, erasure restriction are handled without undue delay and in any event within one month of receipt of the request; 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 on a case-by-case basis, in accordance with Article 25 of the Data Protection Regulation of the European institutions and the EIT internal rules on restrictions<sup>4</sup>.

### 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 internal EIT department responsible for management of the data relating to the declarations of the absence of conflict of interests for the EIT Governing Board members at the following email: [EIT-Director@eit.europa.eu](mailto:EIT-Director@eit.europa.eu).

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

---

<sup>4</sup> Currently under adoption. The final version will be published at the following link: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>

## Legal basis of the processing operation

### General legal basis:

- Regulation (EC) No 294/2008 of 11 March 2008<sup>5</sup> establishing the European Institute of Innovation and Technology, as amended by Regulation of the European Parliament and of the Council No 1292/2013 of 11 December 2013<sup>6</sup> (the “EIT Regulation”).

### Specific EIT legal basis:

- EIT GB Decision 13/2015 of 03.06.2015 on the Code of Good Conduct on conflict of interest of the EIT Governing Board Members<sup>7</sup>;
- EIT GB Decision 08/2016 of 24.05.2016 on the Rules of Procedure of the EIT Governing Board and Executive Committee, and in particular, Article 8 thereof<sup>8</sup>.

## Grounds for lawfulness

In line with Article 5(a) of the Data Protection Regulation of the European institutions, the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the EIT. In particular, the processing is necessary to avoid conflict of interest to ensure the independence, integrity and impartiality of the members of the Governing Board when performing the activities that fall under the scope of action of the EIT; this task is carried out in the public interest on the basis of the Treaties establishing the European Communities, the EIT Regulation and the EIT Code of Good Conduct on conflict of interest.

---

<sup>5</sup> OJ L 97, 9.4.2008, p. 1-12

<sup>6</sup> OJ L 347, 20.12.2013, p. 174-184

<sup>7</sup> 00227.EIT.2015.I.GB35

<sup>8</sup> 00507.EIT.2016.GB.WP