

Privacy Statement

regarding the selection of new Governing Board members

1. General information

This privacy statement provides information relating to the processing of personal data by the European Institute of Innovation and Technology (EIT) when managing the selection procedure of new members of the Governing Board of the EIT ('the Board').

The processing of personal data of data subjects follows the provisions of Regulation (EU) 2018/1725 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 data¹ (hereinafter 'Data Protection Regulation of EU Institutions').

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

Personal data means any information relating to an identified or identifiable natural person (hereinafter '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 that 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.

3. Who is the data controller of the data processing operations?

The European Institute for Innovation and Technology, as represented by the EIT Director.

¹ OJ L 295, 21.11.2018, p. 39–98



4. What is the purpose of the processing of personal data?

The purpose of the processing of personal data is to manage the selection procedure for the appointment of new members of the EIT Governing Board.

A webform on the EIT website operates as an application form which requires registration:

- Given that the application materials can be saved and edited before submission, personal data processing will already take place at this stage, but the data forwarded to the EIT responsible staff only upon submission.
- The main features after submission are that the application is saved in the content management system and that content managers (responsible staff of the EIT and of the processor) are able to see the application and export it in excel format.

Data processing on the conflict of interests declarations of members of the EIT Governing Board and the European Commission Observer are laid down in a separate privacy statement.

5. Who are the data subjects?

The data subjects are candidates who apply to the call for expressions of interest and those who register on the EIT's website associated webform operated for this purpose.

6. What types of personal data are processed?

Before submitting application, it is necessary to create an account on the EIT website with a username and a password.

Personal data included in the application form and the CVs of the data subjects, including name, contact details, gender, place and date of birth, nationality, phone number, educational and professional background, relations to the KICs, personal information related to the motivation of the applicant, short biography and information regarding the exclusion criteria (e.g. including about criminal convictions and/or professional misconduct)² are processed. The CV of the applicant may include a photo of the data subject.

Special categories of data (see Article 10 of the Data Protection Regulation of EU Institutions) are not requested from the data subjects. Nevertheless, submitted applications may accidentally include such data. However, EIT suggests that data subjects should not submit such data.

² These questions do not cover all details.



7. Who has access to the personal data and to whom is it disclosed (data recipients)?

Within the EIT

The information submitted will be

- processed by the EIT website administrator³, the Director of the EIT and a support team within the EIT (can be the Head of Director's Office, Chief Operation Officer, Legal Officer(s), assistants), led or assigned by the Director of the EIT;
- subsequently transferred to and accessed by the members of the Steering Committee (three members of the Governing Board and a Commission observer), responsible for the selection procedure; and
- the EIT Governing Board, responsible for submitting to the Commission a proposal for appointment of the new members.

Within the Commission and other EU institutions and bodies

As a member of the Steering Committee, the observer of the Commission has access to personal data of the data subjects. Applications will be processed by the responsible staff of the Commission.

Additionally, in case of an audit, complaint or appeal, the personal data may be processed by the Internal Audit Service of the Commission or any external audit service commissioned by the Commission for this purpose, the Court of Auditors, OLAF, the European Ombudsman, the European Data Protection Supervisor, the General Court and the European Court of Justice.

By third parties subject to the GDPR⁴ and third parties not subject to the GDPR

As much as necessary to ensure IT support for the selection procedure, the personal data may be processed by the IT service provider of the EIT (processor).

³ The EIT website administrator is able to export all submitted forms to excel and to export all/selected submitted forms individually and/or aggregated in pdf.

⁴ 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), *OJ L 119, 4.5.2016, p. 1–88*



The EIT has concluded a service contract with a service provider, Eworx SA, acting as processor. The servers of Eworx SA are located within the European Union. Eworx SA built the associated webform on the EIT's website which is necessary to submit and receive applications. It is integrated in the EIT's website. The contract includes provisions on data protection.

Cookie policy is not applicable for filling out the associated webform. It means that it is not mandatory to consent to the cookie policy to fill out the form of application.

However, in case data subject would like to give his/her consent, the cookie policy is available at: <https://eit.europa.eu/cookies>.

Additionally, information concerning the selection procedure may be disclosed to external lawyers (advocates) for specific and limited purposes only (e.g. litigation).

Before disclosing personal data to the external lawyers, IT service providers or other service providers, a written contract shall be signed between the EIT and the contractor(s) in order to ensure that Article 29 of the Regulation 2018/1725 is respected by the data processor.

After the EIT publishes the name and the short bio provided in Section 3 (d) of the application form of the newly appointed members of the EIT Governing Board, these categories of their personal data will be accessible to the public.

8. How is personal data protected and safeguarded?

The applications are submitted via the associated webform specified above (available [here](#)) and all the data are saved and stored on the server hosting the EIT's website. Access to the server is limited to designated staff of the processor and of the EIT. Additionally, it is ensured that pages containing personal data are not indexed by Google, therefore cannot be found by the general public.

Information will be stored in a local database on a central server of Eworx SA, with individualised access rights. Entitlement to access the information is distributed on a 'need-to-know' basis and access rights are only updated if changes in the EIT support team so require it.

The information submitted will be stored in secure offices within the EIT premises until its destruction.



9. What are the rights of the data subjects? Who should be contacted in case of queries or complaints?

The data subjects have the **right for information** and the **right to access** their personal data, as ensured by Article 15 and 17 of the Data Protection Regulation of the EU Institutions. In addition, candidates have the **right for rectification** of their inaccurate personal data concerning them without undue delay; and the right to have incomplete personal data completed, in accordance with Article 18 of the Data Protection Regulation of the EU Institutions. The exercise of such rights may not result in unequal treatment of the candidates and may not be contrary or harmful to the aim of the selection procedure. This means that before the closure of the call, they have the right to rectify data that are inaccurate or incomplete at any time. After the closing date of the call, the data subjects can only send changes about contact information (postal address, phone number and/or email address) to ensure equal treatment of applicants.

As the lawfulness of this data processing is based on Article 5(1)(a) of the Regulation (see point 11 below), candidates who have obtained the right to object in accordance with Article 23 of the Data Protection Regulation of the EU Institutions, can also exert the right to obtain the **erasure** of their personal data in accordance with Article 19 of the Data Protection Regulation of the EU Institutions, in particular in the cases when 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 the **right to restrict** the processing of personal data in accordance with Article 20 of the Data Protection Regulation of the EU Institutions, and the **right to object** on grounds relating to their particular situation in accordance with Article 23 of the Data Protection Regulation of the EU Institutions.

The rights of data subjects can be exercised only based on a written request. In case of any queries concerning the processing of personal data, data subjects may send their written requests to EIT-Applications-GB@eit.europa.eu. As a general rule, the requests for information, access, rectification, erasure and 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 one month.

The data subjects have the **right of recourse** at any time to the Data Protection Officer of the EIT (EIT-DPO@eit.europa.eu) and to the European Data Protection Supervisor (EDPS@edps.europa.eu) for matters relating to the processing of their personal data.



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 restrictions⁵.

10. What is the legal basis of the processing operations?

General legal basis:

Regulation (EU) No 2021/819 of the European Parliament and of the Council of 20 May 2021 on the European Institute of Innovation and Technology (EIT) (recast)⁶, and, in particular, Sections 1-3 of the Statutes of the EIT annexed to the EIT Regulation.

Specific EIT legal basis:

Decision 18/2021 of the Governing Board of the EIT of 11 May 2021 on the Rules of Procedure of the EIT Governing Board and Executive Committee, and, in particular, Article 16⁷

Decision 13/2015 of 3 June 2015 of the EIT Governing Board on the Code of Good Conduct on Conflicts of Interest for Members of the EIT Governing Board⁸.

Decisions of the Governing Board on the selection procedures for Governing Board members⁹

Framework Contract No 03/2017/EITPROC concluded by and between the EIT and Eworx S.A.

11. What are the grounds for lawfulness of the processing operations?

The lawfulness of processing operations is ensured under Article 5(1)(a) of the Data Protection Regulation of the EU 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 Union institution or body. In particular, the personal data processing is necessary to enable the functioning of the Governing Board of the EIT when performing activities that fall under the scope of action of the EIT; this task is carried out in line with the public interest on the basis of the Treaty on the Functioning of the EU and the EIT Regulation.

⁵ Currently under adoption. The final version will be published at the following link: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>

⁶ OJ L 189, 28.5.2021, p. 61–90

⁷ Ref. Ares(2021)3139636

⁸ 00227.EIT.2015.I.GB35

⁹ As available in the 'Library' of the EIT website



In case data subject would like to accept the cookie policy, processing operations is ensured under Article 5(1)(d) of the Regulation.

12. For how long will the personal data be kept?

Data will be kept in electronic and paper form for a maximum of **five years** following the date on which the term of office the appointed members of the EIT Governing Board expires or for any other reason ceases. The data may be kept for a longer period only as necessary for audit or litigation purposes. Data published on the EIT website in line with the provisions of this privacy statement may remain published for a longer period but for a different purpose governed by a separate data protection document.

In case the Commission establishes a list of substitute Governing Board Members, their data will be kept for a maximum of **five years** from the date when the term of office of the EIT Governing Board member expires unless the Commission establishes a different retention period. In case the substitute member becomes a member of the Governing Board, the retention period for the latter shall apply.

Personal data relating to unsuccessful candidates will be kept for a maximum of **two years** following the data on which they are informed on the outcome of the selection procedure.

The personal data of those who will not submit the application should be deleted **immediately** after the expiry of the time limit for appeal.

If personal data are deleted before the submission of the application the processing of personal data will not continue except the personal data used in order to register¹⁰.

If the data subject deletes his/her registration before submission of the application, all personal data shall be deleted.

Personal data relating to criminal convictions in the application form shall be deleted at latest within **two years** from the date of the appointment decision by the European Commission.

¹⁰ Login name, email.