

# 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 data (hereinafter 'Data Protection Regulation of EU Institutions'<sup>1</sup>).

### 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.

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<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1725&from=EN>

#### 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 Board.

#### 5. Who are the data subjects?

The data subjects are candidates who apply to the call for expressions of interest.

Contact persons who submit an application on behalf of an applicant may also be data subjects.

#### 6. What types of personal data are collected?

The EIT will collect personal data included in the application forms and the CVs of the data subjects, including name, contact details, gender, place and date of birth, nationality, educational and professional background, relations to the KICs, and information regarding the exclusion criteria (including about criminal convictions). The CV of the applicant may include a photo of the data subject.

Personal data may also include the name and contact details of the contact person who submits the application to the EIT.

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.

#### 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 a support team within the EIT (e.g. Head of Director's Office, Legal Officer(s), assistants), led by the Director of the EIT;
- subsequently transferred to and accessed by the members of the Steering Committee, responsible for the selection procedure; and

- the Board, responsible for submitting to the Commission a proposal for appointment of the new members.

### Within the Commission and other EU institutions and bodies

Applications will be processed by the responsible staff of the Commission.

Additionally, in the 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 GDPR<sup>2</sup>

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

In both cases, a written contract (following the models of the Commission including a specific article on data protection) shall be signed between the EIT and the contractor in order to ensure that Article 29 of the Data Protection Regulation for EU Institutions is respected by the data processor.

### Third parties not subject to the GDPR

Exceptionally, if the IT service provider or the external lawyers contracted by the EIT are established in a country where the GDPR is not applicable, the EIT will consider the transfer of the data strictly in accordance with Articles 46-51 of the Data Protection Regulation of EU Institutions.

## 8. How is personal data protected and safeguarded?

The applications are received electronically via the functional mailbox [EIT-Applications-GB@eit.europa.eu](mailto:EIT-Applications-GB@eit.europa.eu). Information submitted will be collected and processed by applying the EIT's IT standards and using its telecommunication infrastructure. It will be stored in a local database on a central server, with individualised access rights (password-protected mode). Entitlement to access

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<sup>2</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)

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 10 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 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 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](mailto: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](mailto:EIT-DPO@eit.europa.eu)) and to the European Data Protection Supervisor ([EDPS@edps.europa.eu](mailto: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 restrictions<sup>3</sup>.

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

Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2008 establishing the European Institute of Innovation and Technology<sup>4</sup>, and, in particular, Sections 1-3 of the Statutes of the EIT annexed to the EIT Regulation.

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 Board<sup>5</sup>.

### Grounds for lawfulness

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, 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.

The record concerning the processing activities shall be maintained by the data controller in accordance with Article 31 of the Data Protection Regulation of the EU Institutions.

## 11. For how long will the personal data be kept?

Data will be kept in electronic or paper form, on the shared drive and in the local database for a maximum of **five years** following the date on which the appointed members of the EIT Governing Board take up their duties. The data may be kept for a longer period only as necessary for audit or litigation purposes.

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<sup>3</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>

<sup>4</sup> OJ L97, 09.04.2008, p. 1.

<sup>5</sup> 00227.EIT.2015.I.GB35

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.