



## PRIVACY STATEMENT

### REGARDING THE MANAGEMENT OF THE MEMBER STATE REPRESENTATIVES GROUP AT THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY

This privacy statement provides information on the processing of personal data of the Member State Representatives Group (MSRG) carried out by the European Institute of Innovation and Technology.

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

In accordance with the EIT Regulation, Member State Representatives Group (MSRG) shall be composed of one representative from each Member State and each Horizon Europe associated country.

The data subjects are the nominees (for the MSRG members and their substitutes) proposed by the Member States and the associated countries.

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

The data controller is the Head of OPS2 Department.

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

The purpose of processing personal data is to set up the MSRG, the management of communications with its members and overall function of the group.

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



The present privacy statement does not cover the processing of personal data in conflict of interest situations of the members and substitutes of the MSRSG and their assessment procedures.

### **Short description of the functioning of the MSRSG:**

According to the EIT Regulation (EU) 2021/819<sup>2</sup> the MSRSG shall be composed of one representative from each Member State and associated country.

The MSRSG shall advise the Governing Board and the Director:

- (a) on the extension or termination of the EIT's partnership agreements with the KICs, as referred to in point 6 of Section 3 of Annex I of the Regulation;
- (b) on the conclusion of a memorandum of cooperation with each KIC, as referred to in point 6 of Section 3 of Annex I of the Regulation; and
- (c) on strategically important issues to the EIT other than those referred to in points (a) and (b), sharing experience with regard thereto. The MSRSG shall also advise and share experience with the KICs.

The MSRSG shall be regularly informed of the performance, achievements and activities of the EIT and the KICs, the results of their monitoring and evaluation, and their performance indicators and corrective measures. The MSRSG shall provide its opinion in regard thereto.

The MSRSG shall facilitate appropriate synergies and complementarities between EIT and KIC activities with national programmes and initiatives, including the potential national co-financing of KIC activities

The data processing operations include the collection, recording, organisation, storage, consultation, use, disclosure by transmission, erasure and destruction of personal data.

### **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:

- name
- birth date
- country
- title
- phone
- email
- organisation
- department
- address

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

**Within the EIT:**

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<sup>2</sup> OJ L 189, 28.5.2021, p. 61–90



The personal data of the data subject is processed by the EIT authorised staff:

- staff at the Public & Community Affairs Section of the Communications and Engagement Unit of OPS2 Department and Directorate, legal officer(s),
- Heads of Units, Departments,
- Members of the Governing Board of the EIT.

Access will be given to the Internal Auditor of the EIT by request if necessary for the performance of the duties of the Internal Auditor.

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

Within the Commission, personal data is processed by responsible colleagues of EAC C.1 Innovation and EIT Unit of the Directorate-General of Education, Youth, Sport and Culture (“EAC” or “DG EAC”) for the purpose of maintaining contact with the Member States via the EIT MSRG.

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).

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

#### **Third parties subject to GDPR, third parties not subject to GDPR and other data recipients**

Names, functions and the represented organisation and country of the members of the MSRG shall be publicly available on the EIT’s homepage in order to ensure full transparency towards the EIT’s stakeholders concerning the work of the group.

Personal data may be processed by the insurance company Cigna International Health Services BV to provide travel insurance services (covered by the Commission) to the members of the MSRG. The privacy notice of Cigna company is available at: <https://www.cignahealthbenefits.com/en/privacy>.

#### **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-stakeholder-relations@eit.europa.eu](mailto:eit-stakeholder-relations@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 one 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 restrictions<sup>3</sup>.

### **Who should be contacted in case of queries or complaints?**

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/>.

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

The EIT only keeps personal data for the time necessary to fulfil the purpose of collection or further processing, namely for *7 years* from the end of membership of the data subject in the MSRSG.

Names of former MSRSG members and substitutes will be removed from the EIT website shortly after the nomination of the new person.

### **Legal basis of the processing operation**

#### **General legal basis:**

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)<sup>4</sup>, and, in particular, recital 16, Articles 5(3), 6(p), 9(5), 11(4), and Section 3(6), 5(6)(i)(p) of the Statutes of the EIT annexed to the EIT Regulation

#### **Specific EIT legal basis:**

- Decision 10/2022 of the Governing Board of the EIT of 16 March 2022 on the Cooperation with the Member State Representatives Group<sup>5</sup>
- Decision 01/2022 of the Member State Representatives Group of 24 March 2022 on the Rules of Procedure of the Member State Representatives Group<sup>6</sup>

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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 L 189, 28.5.2021, p. 61–90

<sup>5</sup> Ref. Ares(2022)2127544

<sup>6</sup> Ref. Ares(2022)2213139

**Grounds for lawfulness:**

In line with Article 5(a) of Regulation No. (EU) 2018/1725, 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.