

Privacy Statement regarding expert selection and management at the EIT

This privacy statement provides information relating to the processing of personal data by the EIT when managing the data relating to the selection and contracting of external experts for participating in the evaluation of KIC calls, in the assessment of KIC Business Plans/KIC Reports, as well as for other tasks serving to assist the EIT with executing its core tasks.

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/EC (hereinafter “the Data Protection Regulation of the European institutions”).

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 (‘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?

Candidates for external expert assignments with the EIT; experts selected for assignments by the EIT.

Who is the controller of the data processing operation?

The data controller performing the personal data processing operation of the EIT is the Responsible Authorising Officer (RAO)/ the Authorising Officer (AO) entitled to approve the outcome of the selection procedure in question and to sign the expert contract on behalf of the EIT. The RAO is the Head of Unit concerned, the AO is the Director of the EIT.

¹ OJ L 295, 21.11.2018, p. 39

What is the purpose of the data processing operation?

The purpose of the processing is to select and contract external experts to support the EIT, in particular with regard to the following main tasks:

- Evaluation of proposals submitted for KIC Calls;
- Assessment of KIC Business Plans and KIC reports;
- Other tasks relating to assisting the EIT with executing its core tasks, such as the preparation of studies/reports/opinions/recommendations, the participation in monitoring reviews or the assessment of IT tools.

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 experts contained in their application to calls for experts of the European Commission or the EIT are accessed, evaluated, stored and eventually destroyed. The data are used to identify the most suitable experts to assist the EIT, and subsequently for the management of expert contracts concluded with the selected experts, including the payment of fees and the reimbursement of expenses.

What types of data are processed?

In the context of the selection of external experts, the following types of personal data are processed:

1. In the context of the expert selection procedure (data of the candidates):
 - Identification data (name, surname, date and place of birth, gender, nationality);
 - Contact information (postal address, phone number and fax, email);
 - Information on education (languages, titles of qualifications, subject or field, name of institution, country and year awarded);
 - Information on the area of expertise (specialisation, research interest);
 - Information on professional experience (e.g. current and previous employments, name, location and area of activity of the employers, experience related to the field of expertise required, experience regarding EU institutions);
 - Information regarding publications (title, authorship and publication details of relevant publications in the field of expertise required);
 - Information on any actual or potential conflict of interest with the assignment (information on involvement or benefits with regard to the subject matter of the assignment, information on close personal, contract or employment relationships with KIC legal entities, KIC Partners, linked third parties and sub-grantees, or entities controlling or controlled by these entities);
2. In the context of the contracting phase (data of the selected experts):
 - Additional identification data (copy of passport/ID card, passport number/ID card number, place and country of birth);
 - Financial data: (name and address of the account holder, bank name/address, bank account number, copy of bank statement);
 - Financial information regarding the costs claimed by the expert (e.g. travels details, costs and related receipts).

Annual publication on the EIT website:

In accordance with Article 40(5) of the Horizon 2020 Rules for Participation and Article 237 of the EU Financial Regulation, the EIT publishes the list of contracted experts annually until 30 June, with the following information: name of expert, specific task (area) of expert, localisation (NUTS 2 level), remuneration if it exceeds EUR 15 000 per signed contract.

Who has access to the personal data (data recipients)?

Within the EIT:

The personal data of the candidates is processed by the EIT staff in charge of the selection and contracting of experts (members of the Selection Committee, EIT procurement officer, EIT financial officer, EIT legal officer, Responsible Authorising Officer, Authorising Officer, Internal auditor, assistants).

Within the Commission and other EU institutions and bodies:

The financial information relating to the execution of the expert contract is also stored in the Accrued Based Accounting (ABAC) database which is administered by the European Commission (DG BUDG).

For the purpose of safeguarding the financial interests of the European Union, personal data may be disclosed to the Internal Audit Service of the European Commission (IAS), the Court of Auditors and the European Anti-Fraud Office (OLAF) upon request and to the extent necessary for official investigation or audit purposes.

For the purpose of handling review procedures, personal data may be disclosed 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.

Third parties subject to the GDPR² and third parties not subject to the GDPR:

Exceptionally and if necessary, information concerning the expert selection and expert contract 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 Data Protection Regulation of the EU institutions is respected by the data processor. These written contracts follow the model of the Commission and include a specific article on data protection.

² 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 is the personal data retained?

1. Data of selected experts: the personal data of the selected experts is retained for 5 *years* after the end of the financial framework programme which serves as a basis for the relevant EIT activities and for the expert assignment.³ Supporting documents relating to budget implementation are retained for a period of 5 years from the date on which the European Parliament grants discharge for the budgetary year of the EIT to which the documents relate.
2. Data of unsuccessful candidates: the personal data of unsuccessful candidates is retained for 2 *years* from the official starting date of the assignment for the purposes of potential review procedures concerning the selection procedure, and for audit purposes. In case a review procedure is initiated and it exceeds the period of 2 years, the relevant data are kept for the duration of the ongoing review procedure.

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

Candidates for expert positions and selected experts 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 European 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 Regulation. 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.

Candidates and selected experts 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 the **right to restriction** of processing of personal data in accordance with Article 20 of the Regulation, and the **right to object** on grounds relating to their particular situation in accordance with Article 23 of the Regulation.

The rights of the data subject can be exercised only based on a written request addressed to EIT-Procurement@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.

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.

³ Based on the relevant requirements of the European Commission, as provided in the Common Commission Retention List (CRL, SEC(2012)713).

What is the legal basis of the processing?

Article 7(1) of Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2008 establishing the European Institute of Innovation and Technology⁴, as amended by Regulation (EU) No 1292/2013 of the European Parliament and of the Council of 11 December 2013⁵ ("EIT Regulation").

Article 40 of Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in "Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020)" and repealing Regulation (EC) No 1906/2006.

Article 237 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union ("EU Financial Regulation").

Article 89 of the Decision of the EIT Governing Board of 27 December 2013 on adopting the financial regulation for the European Institute of Innovation and Technology, as amended by Decision 6/2015 of the Governing Board of the EIT of 5 March 2015 and by Decision 11/2016 of the Governing Board of the EIT of 20 April 2016 ("EIT Financial Regulation").

Decision 02/2019 of the Interim Director of the European Institute of Innovation and Technology on the Policy on the selection of independent experts to assist the European Institute of Innovation and Technology.

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 Union institution or body.

⁴ OJ L 97 of 09.04.2008, p. 1.

⁵ OJ L 347 of 20.12.2013, p. 174.