

## (SERVICE SPECIFIC) PRIVACY STATEMENT

### **"Registration, Selection and Management of Independent Experts"**

#### **1. Introduction**

This privacy statement explains why we process, how we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you may exercise in relation to your data (the right to access, rectify, block, etc.)

The European institutions and bodies are committed to protecting and respecting your privacy. As this service/application collects and further processes personal data, Regulation 2018/1725<sup>1</sup> is applicable.

This statement concerns the processing operation named "Registration, selection and management of Independent Experts" by EU institutions and bodies<sup>2</sup>, in the context of Programmes and Initiatives (see annex '[List of Programmes and Initiatives](#)') managed by the Joint-Controllers<sup>3</sup>.

The two following categories of independent experts and their delegated actors are addressed with this privacy statement and the corresponding notifications of the Joint-Controllers:

- (i) Experts with contracts<sup>4</sup>;
- (ii) Meeting experts without contract (with a link to notification DPO-2194 of the Secretariat General, relating to publication in the Commission Register of Expert Groups -for groups of two or more members meeting more than once);
- (iii) Persons appointed and empowered by the expert to perform data entry and administrative tasks via the Funding & Tenders Portal on behalf of the expert ('delegated actors').

#### **2. Why do we process your data?**

Data is collected in the context of:

- Evaluation of proposals and prize applications;
- Monitoring and review of actions and grant agreements;

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<sup>1</sup> Regulation 2018/1725 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 (OJ L 295 of 21 November 2018).

<sup>2</sup> European Commission, Executive and Regulatory Agencies, Joint Undertakings, European Parliament, European Council, Court of Justice of the European Union, European Central Bank, European Investment Bank, European Committee of the Regions, European Economic and Social Committee, etc.

<sup>3</sup> The Controller is the entity which determines the purposes and means of the processing operations (cf. Article 2(d) of the Regulation).

<sup>4</sup> In the case of the European Research Council, there is also the category of remote referees, who sign appointment letters.

- Preparation, implementation or evaluation of EU programmes and design of policies, which includes the Horizon 2020 advisory groups and other expert groups.

Individuals provide data for the establishment of a database of prospective independent experts to assist the Joint-Controller services with tasks in the context of the Programmes and Initiatives listed. This database is limited to independent experts and delegated actors.

Eventually, additional processing operations are proposed to experts only further to their unambiguous consent (cf. section 6).

Contact information for each Joint-Controller<sup>5</sup> in line with their respective programme(s) of competence relating to the collection and further processing operations of the data is provided in section 8 (see Annex '[Contact information list](#)').

## **2.1 Purpose of the processing**

The purpose of the processing operations is the registration, selection and management of external experts on the basis of calls for expression of interest according to Article 237 of the Financial Regulation<sup>6</sup>.

If an expert is selected, he/she may be contracted for activities that involve the evaluation of proposals and prize applications submitted under calls for proposals, monitoring or evaluating actions and grant agreements and other tasks related to the concerned programmes and initiatives managed by the concerned Joint-Controller (cf. '[List of Programmes and Initiatives](#)' of section 1).

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<sup>5</sup> H2020 Controllers: Directorate-General for Research and Innovation (DG RTD), Directorate-General for Communications Networks, Content and Technology (DG CNECT), Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW), Directorate-General for Mobility and Transport (DG MOVE), Directorate-General for Energy (DG ENER), Directorate-General for Education, Audio-visual and Culture (DG EAC), Directorate General for Migration and Home Affairs (DG HOME), Executive Agency for Small and Medium-sized Enterprises (EASME), European Research Council Executive Agency (ERCEA), Head of Unit of Programme Support, Coordination & Communication Unit R01 Innovation and Networks Executive Agency (INEA), Head of Health Unit, Consumers, Research Executive Agency (REA), Joint Undertakings (CleanSky, ECSEL, FCH, IMI, BBI, Shif2Rail, SESAR). Cf. Article 2(d) of the Regulation for the definition of Controller.

Non-H2020 Controllers: Directorate-General for Justice (DG JUST), Directorate-General for European Civil Protection Aid and Humanitarian Aid Operations (DG ECHO), Directorate-General for Eurostat - European statistics (EUROSTAT), Food and Health Executive Agency (CHAFEA), Education, Audio-visual and Culture Executive Agency (EACEA), European Institute of Innovation and Technology (EIT), Head of unit A.1 COSME Executive Agency for Small and Medium-sized Enterprises (EASME), European Defense Agency (EDA), European Anti-Fraud Office (OLAF), as well as any other EU institution or body for the purpose of the registration, selection and management of external experts.

<sup>6</sup> Regulation (EU, Euratom) no 2018/1046 of the European Parliament and of the Council of 18/07/2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2011, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision N541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012

Upon request from the relevant implementing body and subject to a case-by-case evaluation in accordance with the provisions of this notification, DG RTD may authorise further processing of experts' personal data for the purposes of implementation of programmes or initiatives other than the ones that are listed in the '[List of Programmes and Initiatives](#)'. Access rights to the experts' database for the purposes of implementation of any new programmes authorised pursuant to this paragraph shall respect and be consistent with the data subjects' choices regarding the types of entities and the associated levels of risk, as expressed via the front-end on the Funding & Tenders Portal.

The Joint-Controller will process personal data of the expert's appointed delegated actor in order to enable the delegated actor's access to the responsible expert's profile on the Funding & Tenders Portal, allowing the delegated actor to perform their delegated tasks.

For Horizon 2020, the call for expression of interest relates to tasks listed in Art 40.1 of the rules for participation<sup>7</sup>.

In addition, for ERCEA, the selection procedure<sup>8</sup> could also be on the basis of a proposal by the ERC Scientific Council.

Moreover, the purpose of the processing operations is also to manage the reimbursement of expenses (travel expenses, etc.) the payment of allowances and fees, where applicable, and the subsequent management of the Experts and their contracts.

The processing operations are necessary in order to proceed with the evaluation of proposals requesting financial support from the relevant programmes, ensure the management and monitoring of projects, actions and activities, evaluate and strengthen the effective implementation of EU research and innovation policies or programmes and the achievement and functioning of the European Research Area, evaluate the research and innovation programmes and their design as well as the impact of the Joint-Controllers' activities, and prepare future programmes. External experts may also be contacted by a Joint-Controller or their contractors for voluntary surveys.

Furthermore, information provided may lead to an entry in the Early Detection and Exclusion System Database (EDES-Database) managed by the European Commission, in compliance with Regulation (EU, Euratom) 2015/1929 (FR)<sup>9</sup>. Information exchanged within the EDES will be centralised in this database. The database shall contain information on economic

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<sup>7</sup> 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 (OJ L 347, 20.12.2013, p. 81).

<sup>8</sup> The ERC selection procedure is partly based on the annual information exercise in which objective information on evaluation panel members is collected to allow their review and ensure an appropriate panel composition (e.g. expertise, gender and geographical balance).

<sup>9</sup> Regulation (EU, Euratom) 2015/1929 of the European Parliament and of the Council of 28 October 2015 amending Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union (OJ L 286, 30.10.2015).

operators that could represent a threat to the Union's financial interests, economic operators who are in one of the exclusion situations listed in Article 106 (1) of Regulation (EU, EURATOM) 2015/1929 and economic operators on which financial penalties are imposed (Article 106 (13), in the form of cases created therein. The EDES foresees the right of the person concerned to be informed of the data stored in the database upon its request to the Commission. The information contained in the database shall be updated, where appropriate, following a request for rectification or an erasure or any modification of data. For more information, please visit:

[http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm)

Experts should delete any data, including personal data, they have received in the context of the evaluations as soon as no further action or follow-up is required and taking into account the requirements foreseen in article 12 of the model expert contract concerning checks and audits.

## **2.2 Lawfulness of the processing**

For the processing operations described hereof, and depending on each category of processing (cf. details in section 3):

- Article 5(a)- public interest- and 5(c)- contractual purpose- of Regulation 2018/1725 are applicable when the Joint-Controller/Joint Joint-Controller is an EU institution or body as well as when the Recipients are Authorised representatives of industry or Authorised persons of the Member States and Associated Countries with an adequacy decision, ministries, Programme Committees and Advisory Groups (cf. 1.2 of the [‘List of recipients’](#));
- Article 5(d)- prior-consent- is applicable for the transfer of your data to Private and public recipients in Members States and Third Countries. Disclosure to Third Countries without an adequacy decision is, in addition, condition upon additional safeguards.

## **3. Which data do we collect and process**

The data subjects are:

- Individuals interested in being contracted, invited or appointed by the Joint-Controllers.
- Persons appointed and empowered by the experts to perform data entry and administrative tasks via the Funding & Tenders Portal on behalf of the expert ('delegated actors').

The personal data of experts is collected directly from the data subjects or from the delegated actors<sup>10</sup>.

The personal data of delegated actors is collected from the data subjects.

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<sup>10</sup> For the ERCEA, there are some exceptions which are described in details in the different lists and documents attached to this SSPS.

### **3.1 Online registration of experts**

The online registration of experts is managed via the Funding & Tenders Portal. The personal data collected when registering online (Expert area in the Funding & Tenders Portal) are listed in the annex '[List of registration data](#)'.

### **3.2 Expert selection and management**

Once an Expert has been pre-selected<sup>11</sup>, the following data is collected for the creation and follow-up of the Expert contract or invitation letter, and Expert payments:

Annex '[List of selection and contract management data](#)'.

Experts may supply any additional information on a voluntary basis.

### **3.3 Special categories of data**

If contracted, the data subject is requested to sign a declaration of conflict of interest or absence of conflict of interest, and the code of conduct for Experts.

No special categories of data<sup>12</sup> as defined in Article 10 of Regulation (EC) No 45/2001 are collected neither processed on request of the Joint-Controller.

Nevertheless, data subjects are free to provide voluntary health-related data due to their special needs in order to be refunded for possible additional costs relating to the subsequent accommodation and travel specificities. This may be justified according to Article 10(2)(a) of Regulation 2018/1725 on condition that these data are submitted on a voluntary basis and thus with the data subject's consent.

In any case, only necessary information would be collected in order to certify the existence of those special needs and related costs. To this aim, only one specific medical certificate from a national health service and an estimation of the additional costs made by a national medical centre is requested.

Any Joint-Controller's staff member in charge of the processing of health related data would be subject to the specific obligation of secrecy equivalent to that of a health professional according to Article 10(3) of Regulation 2018/1725 or Article 9(3) of Regulation (EU) 2016/679, and might be requested to sign a specific professional secrecy declaration if necessary.

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<sup>11</sup> The Exclusion of Experts by applicants to ERC grants is notified in DPO notification 4-2011 of the ERCEA.

<sup>12</sup> Data revealing racial or ethnic origin, political opinions, religion or philosophical beliefs, trade-union memberships, or data concerning health or sex life.

Irrelevant or excessive data are not retained by the Joint-Controller.

For more details, cf. the annex '[Detailed description of the processing](#)'.

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

##### **4.1 Standard categories of data**

- For experts selected by a Joint-Controller, personal data is kept for 10 years after the end of the particular programme on which they provided their services.<sup>13</sup>

The Legal Entity Files and Bank Account Files are also stored in the Accrual Based Accounting (ABAC) database which is administered by the European Commission (DG BUDG) and to which the Joint-Controllers have access.

Should the need arise to acquire extracts of judicial records for the detection of fraud related to the contract or procedures relating to sanctions according to the Financial Regulation and its rules of application<sup>14</sup>, those extracts shall not be kept longer than two years after the accomplishment of the particular procedure.

Supporting documents relating to budget implementation are kept for at least five years from the date on which the European Parliament grants discharge for the budgetary year to which the documents relate<sup>15</sup>. The personal data contained in this type of supporting documents shall be deleted where possible when those data are not necessary for budgetary discharge, control and audit purposes.

- For experts not yet selected by a Joint-Controller, their personal data is kept for the duration of the related programme's activities for which they have registered.

Experts are asked to indicate if they wish that their data be retained in the database of experts beyond this date in order to be considered for assignments for the forthcoming programme. If they do not wish to be considered for future assignments, their data are deleted after the end of the programme<sup>16</sup>.

- For unsuccessful and withdrawn experts, their personal data may be retained only for up to 5 years after the end of the particular procedure to allow for all possible appeals.

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<sup>13</sup> As required by the Common Commission Retention List (CRL, SEC(2012)713).

<sup>14</sup> Regulation (EU, Euratom) no 2018/1046 of the European Parliament and of the Council of 18/07/2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2011, (EU) No 1301/2013 (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision N541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012

<sup>15</sup> In compliance with Article 75 of the Financial Regulation 2018/1046

<sup>16</sup> For researchers who have provided their ID (cf. section 10.1), the latter will not be eliminated from the Controller's data bases at the end of the retention period, unless the data subject has submitted a request for elimination to the Controller, at any time as from the end of the applicable retention period.

Personal data not updated for 10 years will be removed from any relevant database.

Anonymous or encrypted data can be retained and further processed for a longer period for statistical, historical or scientific purposes.

The personal data of delegated actors is retained for the duration of his/her appointment by the expert, in any case no longer than the retention period of the delegating expert.

#### **4.2 Special categories of data**

In case health data are provided by the data subject to the Joint-Controller for accommodation and transportation purposes, any supporting documents containing these data are deleted where possible when these data are not necessary anymore for budgetary discharge control and audit purposes.

#### **5. How do we protect your data?**

All data in electronic format (e-mails, documents, uploaded batches of data etc.) are stored either on the servers of the European Commission or of its contractors; the operations of which abide by the European Commission's Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.

Access rights and controls are secured via the EU Login granted to persons authorised to get access to specific documents (call management, grant management, etc.)

All stakeholders involved in the evaluation and granting process are reminded to use the personal data received only for the purpose for which they were transmitted and to disregard all irrelevant and excessive data received with the proposals.

The personal data is stored in databases that reside on the Joint-Controllers' servers, the operations of which abide by the European Commission's security rules and provisions established by the Directorate-General of Human Resources and Security that are continuously updated and revised.

Finally, the Commission's contractors are bound by a specific contractual clause for any processing operations of your data on behalf of the Commission, and by the confidentiality obligations deriving from the transposition of Directive 95/46/CE<sup>17</sup> as repealed by Regulation (EU) 2016/679<sup>18</sup>.

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<sup>17</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23/11/1995).

<sup>18</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

## **6. Who has access to your information and to whom is it disclosed?**

Joint-Controllers of the EU institutions and bodies and their Processors are reminded of their obligation to process the personal data provided to them only for the purposes for which they were transmitted (Article 4.1(b) of Regulation 2018/1725).

Recipients in Member States and Third Countries must comply with the applicable national data protection regulatory framework (*which is the General Data Protection Regulation for members of the European Economic Area<sup>19</sup>*).

For the full list, please consult the annex '[List of recipients](#)'.

By default, your profile will be visible and accessible by all funding programmes of the EU Institutions and bodies. You will be able to opt-out of some EU programmes that do not interest you.

The list of the accesses that might be granted only further to your prior agreement is provided in the Expert area of the Funding & Tenders Portal, as well as any relevant information for each of these accesses.

For each of the latter ones, you can tick a box to authorise the corresponding disclosure. Therefore, no such access will be granted if you have not provided your unambiguous consent on the proposed disclosure, in compliance with Article 5(d) of Regulation 2018/1725.

Moreover, for each category of processing operations requiring prior-consent, the data subjects who have opted-in are free to withdraw their consent at any time.

## **7. What are your rights and how can you exercise them?**

According to Regulation 2018/1725, you are entitled to access your personal data and rectify and/or block it in case the data is inaccurate or incomplete:

- In case you wish to access your personal data, and have inaccurate or incomplete data rectified, for the **Funding & Tenders Portal** you can at any time directly access or rectify your personal data online upon logging on to the Expert area. You may also change your EU Login password which allows you to login to the system and update your personal information contained in your profile. Your choice for the opt-ins/out regarding access to your data can be changed by you at any time;
- In case you wish to delete your personal data, you should send an email to the functional mailbox indicated in section 8 below;

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repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) (OJ L 119, 4.5.2016).

<sup>19</sup> Member States + Island, Norway and Liechstentein.



- For **local repositories** you can contact the Joint-Controller as explained in section 8;
- For **other questions further to your appointment**, you can contact the Joint-Controller, by using the contact information given in your contract or under section 8, specifying the details of your request.

In case of conflict you can contact the Data Protection Officer, and if necessary the European Data Protection Supervisor (cf. contact details in section 8).

## **8. Contact information**

If you would like to receive more information regarding the processing operation and the information that is collected and processed via the Funding & Tenders Portal, i.e. in relation to your on-line registration (cf. 3.1), you may send an email to the Joint-Controller, using the following functional mailbox: [ec-expert-area@ec.europa.eu](mailto:ec-expert-area@ec.europa.eu).

For any other contact request, please consult the annex '[Contact information list](#)'.

For specific information on data protection, you may also contact the Data Protection Officer (DPO) of the relevant Joint-Controller. The list and contact details of DPOs are provided in the '[Contact information list](#)' referred to hereof.

Data subjects have the right to have recourse to the [European Data Protection Supervisor \(EDPS@edps.europa.eu\)](#), preferably after a first contact with their Joint-Controller.

## **9. Where to find more detailed information?**

The Commission Data Protection Officer publishes the register of all operations processing personal data. You can access the register on the following link: <http://ec.europa.eu/dpo-register>.

This specific processing has been notified to the DPO of each participating institution or body (the Joint-Controller).

### **Annexes:**

- [List of programmes and initiatives](#)
- [Detailed description of the processing](#)
- [List of registration data](#)
- [List of selection and contract management data](#)
- [List of recipients](#)
- [Contact information list](#)