

(To be filled out in the EDPS' office)

REGISTER NUMBER: 948

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 08/02/2013

CASE NUMBER: 2013-0166

INSTITUTION: ERCEA

LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

EUROPEAN RESEARCH COUNCIL EXECUTIVE AGENCY (ERCEA)

PLACE ROGIER 16, 1210 BRUSSELS

REPRESENTED BY:

JOSE LABASTIDA, HEAD OF DEPARTMENT B "SCIENTIFIC MANAGEMENT DEPARTMENT", COV2 22/127, TEL: 67935, EMAIL: JOSE.LABASTIDA@EC.EUROPA.EU

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

Responsible part of the Agency: ERCEA Department B - Scientific Management, currently Units B.2 "Call and Project Follow-up Coordination" and B.3 "Scientific Affairs".

Contact person: VICTOR LOSADA, COV2 22/163, TEL: 67923, EMAIL: VICTOR.LOSADA-GONZALEZ@EC.EUROPA.EU

3/ NAME OF THE PROCESSING

Department B - List on Staff Expertise

¹ OJ L 8, 12.01.2001.

² Please attach all necessary backup documents

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The list is used by Department B to support the assignment of panels' coordination and the follow-up of projects as well as the participation in communication and promotional events (for more details, please see section 12 of this notification).

The data are not used for formal staff evaluations, but for the assessment of an individual's adequacy for an activity or ability to complete a task (e.g. appointment for a mission, attribution to a panel, etc.). The choices made may have an (indirect) impact on the career path of the Scientific Officer concerned.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Research officers, project advisors and Seconded National Experts of all ERCEA Department B coordinating panels, reviewing and monitoring projects and participating in communication activities and promotional events.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA *(including, if applicable, special categories of data (Article 10) and/or origin of data)*.

Individual data

- Full name
- Function of the Scientific Officer (research officer or project advisor)
- Unit
- Institution/occupation prior to work in the ERCEA
- Nationality
- Main domain (life sciences / physical sciences and engineering / social sciences and humanities)
- Background studies
- Expertise & professional experience
- Keywords related to the field of expertise
- Panel preferences ("Choice")

Data are collected directly from the data subject (see more details in section 9). The table (in .XML format) is managed by authorised staff of unit B2 and B3 who dispose of full "read and write" access. Members of unit B1 have only "read" access. The authorised staff updates the information based on the arrival or departure of staff, re-organisation of Department B, etc. They gather the data from all Department B staff (including B1) via e-mail request. The Scientific Officers are asked to fill in a template of the table. The data are then input into the original table by authorised staff of units B2 and B3.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

A Specific Privacy Statement (SPS) is available at the collaborative platform used daily by Department B (see annex 1 to this notification), under the link:

<http://collaboration.ercea.cec.eu.int/scidept/processmanagement/Pages/Documentation.aspx>

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(Rights of access, to rectify, to block, to erase, to object)

The Specific Privacy Statement on the Department B's list on staff expertise provides that if the data subject wants to check, modify, correct or delete any personal data, s/he can apply to the Head of Department B, who is responsible for such processing (i.e. the Controller), by sending an e-mail giving details of her/his request to the mailbox Jose.LABASTIDA@ec.europa.eu. The Controller will then inform the agents in charge of managing the list for relevant updating/modifications.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The List on Staff expertise is an excel table which is managed by authorised staff of units B2 and B3 based on information collected directly from the Scientific Officers.

Rights are granted by the ERCEA LSA IT team based on decisions by Department B management.

The Head of Department B and/or Heads of Units B1, B2 and B3 authorise staff members in units B1, B2 and B3 according to the actual management needs (in line with the "need to know" principle). Data of staff that left Department B is deleted during the update (see section 13, retention policy, for details).

The table is available in simple "read" access to all the Department B staff. Scientific Officers whose data is recorded in the table cannot directly revise, update or correct their own data (see section 8).

10/ STORAGE MEDIA OF DATA

The list is kept electronically as an Excel table file in a specific folder of the ERCEA shared drive: R:\10_MANAG_&_ADM\MANAG\ALL\B0_ALL\B2_B3 Staff_Expertise. Access to this part of the shared drive is limited to staff members of Department B.

The shared drive (an electronic storage device) resides on a local ERCEA server.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- **Decision No 1982/2006/EC of the European Parliament and the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-20013).**
- **Council Decision 2006/972/EC concerning the specific programme Ideas.**
- **Commission Decision 2007/134/EC establishing the ERC.**

- **Commission Decision 2008/37/EC setting the ERC Executive Agency.**
- **Commission Decision C (2008)5694 delegating powers to the ERC Executive Agency.**
- **Commission Decision (2010/767/EU) of 9 December 2010 amending Decision C (2007)2286 on the adoption of the ERC Rules for the submission of proposals and the related evaluation, selection and award procedures for indirect actions under the Ideas Specific Programme of the Seventh Framework Programme (2007-2013).**
- **Staff Regulations of the Official of the European Communities and Conditions of Employment of Other Servants of the European Communities.**

This processing operation is lawful pursuant to Article 5(a) because it is "*necessary for performance of a task carried out in the public interest on the basis of the Treaties established the European Communities or other legal instruments adopted on the basis thereof*". The operation is necessary to support the assignment of panels' coordination and the follow-up of projects as well as the participation in communication and promotional events in the Agency.

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

Recipients of these data are all staff of the Scientific Department (Department B) of the ERCEA (as it might be of help for ensuring business continuity and dealing with unforeseen events/urgent requests), the Head of Department B, the Heads of Units B1, B2 and B3 (and their respective secretaries).

As regards communication or promotional activities some data are shared with staff of Unit A1 and/or Unit A2. In principle, units A1 and A2 ask names, surnames, function and expertise of colleagues who might have the suitable background for an event such as an international conference or a project seminar. They address the specific request to a contact point in Department B that in his/her turn consults the list. If then a short "profile description" is necessary for the conference/seminar package, this is directly discussed by the organiser of the event with the concerned data subject (Scientific Officer). It can happen that units A1 and A2, with the explicit consent of the concerned data subject for the event, disclose to the organiser some personal data necessary for the organisation of the event.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The data retention period corresponds to the employment period of the staff member concerned in the Unit/Department.

Once a staff member included in the list leaves the team of Department B, either to leave the ERCEA or to move to another team, his/her data are deleted from the list during periodical revisions or directly upon request of the concerned individual.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

(Please, specify the time limits for every category, if applicable)

As per the ERCEA Implementing rules concerning the DPO pursuant to Article 24(8) of Regulation 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (Steering Committee decision 210610/6), Article 13.1: *"Further to their right to be appropriately informed about any processing of their personal data, data subjects may approach the relevant Controller to exercise their rights pursuant to Articles 13 to 19 [which include the right to block and to erase] of the Regulation, as specified below:[...] b) [...] The Controller shall without delay inform the data subject in writing of whether or not the request has been accepted. [...] c) The Controller shall, at any time within three calendar months of receipt of the request, grant access pursuant to Article 13 of the Regulation by enabling the data subject to consult these data on-site or to receive copy thereof, according to the applicant's preference."*

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification.

Not applicable

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

Not applicable

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (*Please describe*):

The List on Staff Expertise is an excel-based database which details the qualifications of research officers, project advisors and seconded national experts. This table is used to support the assignment of research officers and project advisers (Scientific Officers) by management to work on the coordination of a certain panel, the review and follow-up of projects and/or for communication activities.

Data contained in the List on Staff Expertise are not used for formal staff evaluations, but for the assessment of an individual's adequacy for an activity or ability to complete a task (e.g. appointment for a mission, attribution of a panel, etc.). The choices made may have an impact on the career path of SO concerned.

AS FORESEEN IN:

☐ Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

☒ Article 27.2.(b) ✓

Processing operations intended to evaluate personal aspects relating to the data subject,

↑ Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

↑ Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

↑ Other (general concept in Article 27.1)

17/ COMMENTS

Since the processing operations have already been established (since 2009), the present notification concerns an ex-post prior check.

List of attachments:

- 1) Specific Privacy Statement "*Department B - List on Staff Expertise*" which includes a full list of legal references (see also section 11 above).**
- 2) Template of the "List on Staff Expertise".**

PLACE AND DATE: **Brussels, 08/02/2013**

ACTING DATA PROTECTION OFFICER: **Giuseppe Bambara**

INSTITUTION OR BODY: **ERCEA**