

**REGISTER NUMBER: 675**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 18/04/2011

Case number: 2011-0363

Institution: Fusion for Energy

Legal basis: article 27-5 of the regulation CE 45/2001<sup>(1)</sup>

*(1) OJ L 8, 12.01.2001*

**INFORMATION TO BE GIVEN<sup>(2)</sup>**

*(2) Please attach all necessary backup documents*

**1/ Name and address of the controller**

Raymond Monk  
Secretary of the Governing Board  
c/o Fusion for Energy  
Josep Pla, 2, TDL-B3  
08019 Barcelona, Spain

**2/ Organisational parts of the institution or body entrusted with the processing of personal data**

Governing Board Secretariat (Office of the Director)

**3/ Name of the processing**

Selection of the Members of the Executive Committee (ExCo) of Fusion for Energy (F4E)

**4/ Purpose or purposes of the processing**

Data used to evaluate personal aspects of applicants (such as ability, efficiency or conduct) for appointment as member of the ExCo of F4E and establishment of a reserve list.

**5/ Description of the category or categories of data subjects**

Experts with recognised standing and professional experience as defined in the Call for Expression of Interest, who manifest their interest in becoming a member of the Executive Committee.

**6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)**

Personal identification details – information provided by the candidate to allow themselves to be identified and contacted by F4E (e.g. surname, first name, date of birth, gender, address, email address).

Selection criteria information – information provided by the candidate to distinguish their suitability and eligibility for the ExCo (e.g. education history, training and professional experience, languages spoken and other related details).

## **7/ Information to be given to data subjects**

The Call for Expression of Interest (including the references to other documents like application form) deal with the provision of information pursuant to Article 11 and 12 of EC Regulation 45/2001 (such as identity of controller, purpose, categories of the data, recipients of the data, existence of the right of access and the right to rectify the data, legal basis of the processing operation). The Call for Expression of Interest also informs the candidates of F4E's right to publish the names of members of the ExCo on the F4E website and in the Annual Activity Report. All candidates applying to the call for expressions of interest shall be informed without delay by email about the outcomes of the selection and appointment process.

## **8/ Procedures to grant rights of data subjects (*rights of access, to rectify, to block, to erase, to object*)**

Candidates have a right to access their data and to update their identification data by contacting the email address provided in the call for expression of interest before the deadline for submission of the applications elapses. After the deadline for applications has elapsed, this right will be limited to the rectification of identification details and contact information only. Candidates have the right to obtain from the F4E the blocking of data. If a candidate contests the accuracy of his/her data, F4E will immediately block the data. In cases when:

- candidate requires data be blocked because he/she considers the processing unlawful, or
- when data is no longer needed by F4E for the accomplishment of its tasks but may have to be blocked for purposes of proof,

the decision on the blocking will be taken by F4E as soon as possible and in any case not later than within 15 working days from the day the candidate's request reached F4E or the day when the F4E's need of the data ceases.

Candidates shall have a right to recourse at any time to the European Data Protection Supervisor as stated in the Call for Expressions of Interest.

## **9/ Automated / Manual processing operation**

Applications shall be submitted via e-mail to F4E.

The selection constitutes a manual processing:

- Pursuant to GB Decision of 8th March 2011 concerning the procedure for the appointment of new Executive Committee and Technical Advisory Panel members, a selection chaired by the GB Chair or Vice-Chair and also composed of a representative of Euratom and the ExCo Chair, will review the expressions of interest and draw up a short list of the most suitably qualified experts.

- In accordance with to Article 6(3)(c) of the Statutes annexed to the Council Decision (Euratom) No 198/2007, the GB will appoint the ExCo members, Chair and Vice-Chair by two-thirds majority from among those experts in the short-list.

## **10/ Storage media of data**

Electronic storage of CVs and motivation letters. Paper files of CVs and motivation letters of shortlisted candidates may be created.

## **11/ Legal basis and lawfulness of the processing operation**

Legal basis:

- Council Decision of 27th March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it 2007/198/Euratom and the Statutes (hereafter 'the Statutes') annexed to the Decision, in particular Articles 6(3)(c) and 7(6).

- F4E Governing Board (GB) Decision of 8th March 2011 concerning the procedure for the appointment of new Executive Committee and Technical Advisory Panel members Ref.: F4E(11)-GB19-Summary.

Lawfulness of the processing operation:

Processing operation is necessary for the performance of F4E tasks on the basis of the founding instrument or other legal instrument adopted on the basis thereof or in the legitimate exercise of official authority vested in F4E or in a third party to whom the data are disclosed (Regulation (EC) 45/2001, Article 5 (a)).

### **12/ The recipients or categories of recipient to whom the data might be disclosed**

For the purposes of the drawing up the shortlist, information provided by the candidates for the selection procedure will be disclosed to the following:

- Secretary of the GB;
- Chair of the GB;
- Vice-Chair of the GB;
- A representative of Euratom (from the European Commission);
- ExCo Chair;
- Assistant to the Secretariat of the GB.

The personal data of the shortlisted individuals shall then be transmitted to the officially nominated Representatives of the GB Members (EU Member States, Switzerland and Euratom). The personal data shall be marked as "Restricted" and the recipients shall be asked to comply with the declarations they have signed concerning confidentiality;

Also, if appropriate, access may be given to:

- Internal Auditor and the Court of Auditors (for audit purposes);
- Legal Advisor of F4E;
- OLAF;
- European Ombudsman;
- European Court of Justice.

### **13/ retention policy of (categories of) personal data**

The personal data of those persons who are not shortlisted shall be discarded one year after the selection process closes. The personal data of those persons who are shortlisted but not appointed by the GB shall be retained in a reserve list for an initial period of two years and afterwards, for two years from the day of the expiry of the reserve list validity.

In the case of successful candidates: data will be kept for five years following the expiry of the mandate of the ExCo member.

All paper files will be destroyed immediately following the nomination of successful candidates.

### **13 a/ time limits for blocking and erasure of the different categories of data**

**(on justified legitimate request from the data subject)**

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

For blocking: Immediately / within 15 working days, depending on the circumstances (see point 8.)

For erasing: Immediately / within 15 working days, depending on the circumstances (see point 8.)

**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**

None

**16/ The processing operation presents specific risk which justifies prior checking (*please describe*):**

AS FORESEEN IN:

**Article 27.2.(b)**

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

Evaluating personal aspects of the candidates in order to select the most suitable candidates.

**17/ Comments**

PLACE AND DATE: Barcelona, 11th April 2011

DATA PROTECTION OFFICER: Radoslav Hanak

INSTITUTION OR BODY: The European Joint Undertaking for ITER and the Development of Fusion Energy (Fusion for Energy)