

REGISTER NUMBER: 727

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 29/07/2011

Case number: 2011-0738

Institution: ERCEA

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

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and address of the controller

ERCEA, Pablo Amor, Director ad interim, COV 23/112, B-1049 Brussels
(Co-Controller Head of Department B, see section 2 below)

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

ERCEA, Jose Labastida, Head of Department B, Scientific Management, COV 22/127, B-1049 Brussels

3/ Name of the processing

(Specific Programme) IDEAS - Experts Selection and Management

This notification constitutes one of the specific back office notifications foreseen by the Commission notification DPO-978 and DPO-2382 (hereof referred to as the overall umbrella for 7th Research Framework Programme).

4/ Purpose or purposes of the processing

The processing of data is necessary in order to implement and manage the evaluation of proposals submitted for funding and review of funded projects under the Ideas Specific Programme of the 7th Research Framework Programme. Once identified by the ERC Scientific Council, the ERCEA has to appoint independent experts and assign them specific evaluation and/or review tasks. Some categories of experts are entitled to receive fees and reimbursement for their activities.

5/ Description of the category or categories of data subjects

Independent experts supporting ERCEA in the peer review evaluation of frontier research proposals and review of funded projects. The ERCEA uses the following categories of independent experts:

1. Chair-persons of the ERC peer review evaluation Panels: organise the work within their Panel, chair Panel meetings, and attend a final consolidation meeting. They may also perform individual evaluation of proposals, usually remotely, in preparation for the panel meetings.

2. Members of the ERC peer review evaluation Panels: assist in the preparation of Panel meetings, attend those meetings and may also contribute in the individual evaluation of proposals, usually remotely.

3. Panel evaluators: independent experts who are requested to assist in the individual evaluation of proposals. Usually, they do not participate in Panel meetings.

4. Referees: independent experts who perform individual assessments of proposals, only remotely, and are not compensated for the tasks they perform.

5. Independent observers: independent experts who are requested to examine the peer review evaluation process from the point of view of its working and execution. They do not perform assessments of the proposals under evaluation. They may attend any meeting within the peer review evaluation process

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

- First Name, Name;
- Phone number, fax number, e-mail address;
- Expert type;
- Passport n°, Place/Date of Birth;
- Previous Family Name, Employment details (including whether currently employed, current employer, and 5 previous employers);
- Candidature reference;
- Host Institution;
- Nationality;
- Gender.
- Professional experience, Research interest, and Expertise: experts may be classified by means of keywords. This helps in identifying the most competent experts in the field of the proposals to be evaluated.
- Bank account details (for reimbursement) are encoded in ABAC: Account name (name under which the account has been opened), Bank name, Branch address (street), Town/City, Postcode, Country, Account number, IBAN.

7/ Information to be given to data subjects

Information to the data subjects: the applicant guides, peer reviewers guide, and a dedicated website page shall explain the overall exclusion system and provide the necessary information on the controller, the purpose, the categories of data, the recipients, the right of access, the legal basis, and retention periods.

A Specific Privacy Statement has been prepared, and will be available on the website (copy hereby enclosed).

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

The experts have to contact the Controller at ERCEA in written via the dedicated functional mailbox ERC-EXPERTS@ec.europa.eu

The Specific Privacy Statement guides the data subjects.

Article 13 of the Steering Committee decision StC210610/6 - available on the external ERCEA website - provides the applicable provisions for the exercise of rights by data subjects:

Article 13

General Rules Governing the Exercise of Rights by Data Subjects

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 of Regulation, as specified below:

(a) These rights may only be exercised by the data subject or their duly authorised representative. Such persons may exercise any of these rights free of charge.

(b) Requests to exercise these rights shall be addressed in writing to the relevant Controller. The Controller shall only grant the request if the requester's identity and, if relevant, their entitlement to represent the data subject have been appropriately verified. The Controller shall without delay inform the data subject in writing of whether or not the request has been accepted. If the request has been rejected, the controller shall include the grounds for the rejection.

(c) The Controller shall, at any time within three calendar months of receipt of the request, grant access pursuant to Article 13 of Regulation by enabling the data subject to consult these data on-site or to receive a copy thereof, according to the applicant's preference

(d) Data subjects may contact the DPO in the event that the Controller does not respect either of the time limits in paragraphs (b) or (c). I

2. The Agency's staff members may consult the DPO before lodging a complaint with the EDPS pursuant to Article 33 of Regulation.

9/ Automated / Manual processing operation

The ERC Scientific Council is responsible for proposing independent experts for the peer review evaluation of frontier research projects pursuant to Article 17(2) of the Rules for Participation, and monitoring of indirect actions implementation within the meaning of Article 27(1) of the Rules for Participation.

The ERC Scientific Council may rely on its members and on information provided by Panel members or by the ERCEA to identify the independent experts. Based on this proposal the ERCEA will appoint them formally. Independent experts are required to have skills and knowledge appropriate to the areas of activity in which they are asked to assist. They must have a high level of professional experience in the public or private sector in scientific research, scholarship, or scientific management. Other skills may also be required (e.g. mentoring and education of young scientists; management or evaluation of projects; technology transfer and innovation; international cooperation in science and technology). For the appointment of independent experts dealing with classified information, the appropriate security clearance shall be required.

The ERCEA has also recourse to the list of experts resulting from calls for applications published in the Official Journal of the European Union, as well as other experts with the necessary qualifications, identified for example, through consultation with national research funding agencies and similar organisations. Experts may come from countries other than the Member States or countries associated to FP7.

In assembling pools of experts, the ERCEA seeks to ensure the highest level of scientific and technical expertise, in areas appropriate to the call. Experts must also have the appropriate language skills required for the proposals to be evaluated.

ERCEA requests these experts to provide identification data and sign the appointment letter (APL). In general, this first contact is based upon public available information, such as internet websites.

The information provided by remunerated experts is manually encoded by ERCEA staff in the ERC EVALUATION database; whereas not-remunerated experts are requested to provide their data through on line forms (encrypted https) where the APL is then generated.

All information encoded is also transferred to a database of European Commission (EMM which will then become EMPP).

In a second phase, some information about experts' research interests and expertise may be collected by means of key-words. This information could be voluntarily provided by the experts or collected by ERCEA staff on official internet website, (i.e. Institution webpage) the experts may be requested to provide indications.

Before and during the evaluation lists from ERCEA evaluation database displaying the appointed experts' names and expertise may be made available to evaluation panels and/or ERCEA staff in order to identify the most suitable experts for evaluation specific proposals.

In this case, the lists only displays: name, host institution and professional experience, research interest.

There is an additional collection and processing for the "Exclusion of Experts by Applicants" system, which has been prior checked with the EDPS separately. For details, please refer to case 2011-661. In synthesis, the Applicants submitting research proposals in the framework of IDEAS calls may indicate some experts that they wish not to be involved in the evaluation of their proposals. The experts' data which are meant to be collected and further processed are:

- Name of the expert(s)
- Research Institute/University/Employer
- Ground and specific reasons referred to by the applicant's request for exclusion (free text field)

10/ Storage media of data

All the information received from the experts is stored in the ERCEA evaluation database that is hosted in DIGIT. At the same time, the same information is transferred to a database of European Commission (EMM which will then become EMPP). The appointment letters received in a paper format are stored in the archives and in ARES.

11/ Legal basis and lawfulness of the processing operation

The legal basis of the processing are:

- Art. 182 TFEU
- Art. 294 TFEU
- Decision n. 1982/2006 of the EP and the Council concerning the FP7
- Regulation (EC) n. 1906/2006 Rules of participation of undertakings, research centres and universities
- Council Decision 2006/972/EC concerning the specific programme Ideas
- Commission Decision 2007/134/EC establishing the ERC
- Commission Decision (2011/12/EU) of 12 January 2011 amending Decision 2007/134/EC establishing the European Research Council
- Commission Decision C(2007)2286 ERC rules for the submission of proposals and the related evaluation, selection and award procedures relevant to the Ideas Specific Programme
- Commission Decision (2010/767/EU) of 9 December 2010 amending Decision C(2007) 2286 on the adoption of 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 to 2013)
- Regulation (EC) n. 58/2003 laying down the statute for executive agencies
- Commission Decision 2008/37/EC setting up the ERC Executive Agency (ERCEA)
- Commission Decision C(2008)5694 delegating powers to the ERCEA

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

In line with [the FP7 umbrella notification](#) data of Experts are disclosed to:

- Internal authorised Commission staff and contractors that are working on behalf of and under the responsibility of the Commission to manage the operational and financial aspects of research projects within the Research Framework Programmes or other Programmes and Initiatives;
- Other European Institutions or Community Programmes/Bodies/Initiatives linked to the Research Framework Programme or to other Programmes and Initiatives.
- Concerning data collected at the time of the registration:
 - Public research funding bodies from the Member States and the States associated to the Framework programmes or to other Programmes and Initiatives;
 - Commission departments not involved in the administration of the research Framework Programmes or other Programmes and Initiatives, and seeking particular scientific or technical expertise to assist in the administration of other EU programmes.

Such accesses to the database may be granted to individual authorised named persons, on receipt of a written request and only to data on persons who have expressly agreed to allow such access to their personal entry.

- Public: basic information (e.g. name, first name) of experts who participated in evaluations are published on CORDIS (<http://cordis.europa.eu>)

With regards the [specificities of IDEAS and ERCEA](#), hereby the details:

The recipients of the relevant information are mainly staff of ERCEA. Limited information about independent experts involved in the evaluation and/or review (such as name, Institutions and expertise) may also be disclosed to the Members of the ERC Scientific Council.

All data collected are also transferred to the database of European Commission E-CORDA. The latter may also processed this information.

The names of the independent experts assigned to individual proposals are not made public. However, the list of independent experts that have assisted in the evaluation of proposals received under a call related to the Ideas Specific Programme will be published yearly on Commission website(s). In addition the list of Panel members will be published on the ERC website.

In addition, some personal data may be disclosed, in compliance with the relevant current legislation and established case law, and on a temporary basis to: (a) the Civil Service Tribunal, at its request; (b) the Ombudsman, at his request; (c) the European Data Protection Supervisor, at his request; (d) the audit and control bodies such as OLAF, Court of Auditors, ERCEA Internal Audit Office, the Internal Audit Service.

13/ retention policy of (categories of) personal data

For experts selected, personal data (on papers and registered in data bases) are kept as required by the Commission's Common Retention List (SEC(2007)970), i.e. 10 years after the end of the project on which they provided their services.

The experts may themselves update or delete their personal data stored in EMPP online through the Participant Portal; therefore data in EMPP data not updated after 10 years will be removed from that database.

With regards the data stored in the local ERCEA database, the experts have to notify the ERCEA which will satisfy their request on demand. In principle, the same retention period should apply, but for the time being nothing is done for eliminating data beyond the 10 years time limits.

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)

Data about experts involved in the evaluations cannot be erased before the expiration of the retention policy. However, this data could be blocked at the end of the call where they participated, upon justified request.

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,

Anonymous statistics mainly on nationality, gender, field of expertise may be prepared also after the end of FP7.

15/ Proposed transfers of data to third countries or international organisations

Personal data of Experts-reviewers provided at the time of the registration may be transferred to Third Countries only further the prior and informed consent of each concerned data subject, via an "opt-in" possibility. Indeed, Experts can select whether or not (opt-in option) they authorise other Commission departments not involved in the administration of the research Framework Programmes or of other Programmes and Initiatives, and public research funding bodies from the Member States and the States associated to the Research Framework Programmes or to other Programmes and Initiatives to access the data submitted by them. These data are entered by experts themselves on the EMC or Participant Portal web site maintained by CORDIS under a service contract with the EC.

In addition, a very limited set of data may be published on CORDIS/Europa/other dedicated Internet webpage/paper, and therefore made public.

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

The risky aspects of the Selection and Management of Experts processing are:

In the selection and appointment phase:

The curriculum vitae and expertise of the expert are assessed for assigning him/her projects. For the appointment of independent experts dealing with classified information, the appropriate security clearance is required.

In case of conflict of interest or misconduct during the performance of the tasks assigned:

If an independent expert knowingly conceals a disqualifying or potential conflict of interest, and this is discovered during the peer review evaluation session, the independent expert will be immediately excluded, and the sanctions foreseen in the appointment letter will apply. By analogy with article 265a(3) of the Implementing Rules to the Financial Regulation (OJ L 357, 31.12.2002, p. 1), a breach of the Code of Conduct or other serious misconduct by the independent expert may be qualified as grave professional misconduct and may lead to the exclusion of this independent expert from the list of independent experts to be appointed by the ERCEA. Pursuant to such exclusion, the independent expert will be removed from the database and barred from re-registering for the duration of the exclusion

AS FORESEEN IN:

X Article 27.2.(a)

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

X 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,

X 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

This notification constitutes one of the specific back office notifications foreseen by the Commission notification DPO-978 and DPO-2382 (hereof referred to as the **overall umbrella for 7th Research Framework Programme**).

The Expert Management Participant Portal (**EMPP**) is to be notified by REA (Research Executive Agency) which is entrusted with the system ownership.

List of annexes:

- (1) Commission Decision of 9 December 2010 amending Decision C(2007) 2286 on the adoption of 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 to 2013)
- (2) Appointment Letter models (issued by Commission decision)
- (3) Draft Specific Privacy Statement
- (4) Guide for Peer Reviewers
- (5a) Workflow of ERCEA Application/Database
- (5b) Vision document of ERCEA Application/Database

PLACE AND DATE: BRUSSELS XXX

DATA PROTECTION OFFICER: Donatella Piatto

INSTITUTION OR BODY: ERCEA - European Research Council Executive Agency

