

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1007

(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 25/11/2013

CASE NUMBER: 2013-0575

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

ERCEA, REPRESENTED BY PABLO AMOR, DIRECTOR, COV2 224/130, B-1049 BRUSSELS

CO-CONTROLLER: JOSE LABASTIDA, HEAD OF DEPARTMENT B

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

In relation to general *selection and management of experts*: Department B (Scientific Management).
Contact person: Donatella Piatto, Unit B1, COV2 22/161.

In relation to the specific operations of *transfer of data to the Scientific Council*: Unit A1 (Support of the Scientific Council).

Contact person: Theodore Papazoglou, Head of Unit, COV2 24/165.

No processor is involved in the processing of the data.

3/ NAME OF THE PROCESSING

(Seventh Framework Programme) IDEAS – ERCEA Experts Selection and Management

4/ PURPOSE OR PURPOSES OF THE PROCESSING

¹ OJ L 8, 12.01.2001.

² Please attach all necessary backup documents

The data is processed to identify, select and manage the experts that evaluate the proposals submitted under the IDEAS Specific Programme of FP7, for which the ERC is responsible. The ERC is a combined entity that consists of the ERC Scientific Council (hereinafter ScC) and the European Research Executive Agency (ERCEA).

Data is collected and processed

- as a basis for the identification, selection and appointment of independent experts cooperating with ERCEA in the evaluation of projects proposals, namely their peer review, ethics screening/review and follow up

- for the registration of an expert's profile in the related repositories

- to manage the experts panels' work and meetings

- to manage expert contracts (appointment letters and tasks assignments) and payments

- for activities/calls reporting

- for security management

- for exchange of information with experts/host organisations

- to support the ScC's Annual Information Exercise: The ERCEA gathers and transfers data on the panel members to the ScC to facilitate its review of the composition of the 25 different scientific panels. The review serves to maintain the integrity of the ERC's evaluation process, implement a rotation of experts, ensure that the panels continuously reflect the necessary breadth and diversity of scientific expertise needed to successfully identify the most excellent scientists and to warrant the gender and geographical balance of the panels.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Independent experts supporting the ERCEA in the peer review evaluation/ethics screening/review.

The following categories of experts are cooperating with the ERCEA:

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

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

3. Panel evaluators: independent experts who are requested to assist in the individual evaluation of proposals, usually not participating in panel meetings; reimbursed.

4. Referees: independent experts who remotely perform individual assessments of proposals and are not reimbursed.

5. Independent observers: independent experts who examine the peer review evaluation process from the point of view of its working and execution, without performing assessments of the proposals under evaluation. They may attend any meeting within the peer review evaluation process and are not reimbursed.

6. Ethics experts: independent experts specialised in "ethics" issues participating in the Ethics Screening/Review of proposals (they can be called to work both in ERCEA premises and/or remotely); reimbursed.

7. Funding Agency Experts: staff from national research funding bodies assisting the ERC in tasks that require specialised knowledge (assignment of proposals to experts, coordination of panels), but who do not deliver scientific assessments. They are not reimbursed.

8. Scientific follow up Experts: independent experts assessing the state and the progress of projects implementation on the basis of the relevant description of work and periodic reports; not reimbursed.

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

A. Information is required for the appointment of an expert:

- e-mail address
- title
- full name
- gender
- nationality
- Host Institution (HI) or organisation
- date of birth, for remote referees replaced by the URL address of the HI
- town and country of the HI/organisation
- field of expertise
- for experts who are only remote referees: ERCEA local repository identification number
- for all other experts: EMMP central repository identification number. (EMPP is a web-based application that allows the expert to register; see part 9.A for further information.)
- validity period of the appointment

This information may be provided by a member of the ScC, an ERCEA staff member or by the expert him/herself. Additionally, the ERCEA has access to the list of experts resulting from calls for applications published in the Official Journal of the European Union or experts identified by national research funding agencies or similar organisations.

B. Additional information provided by the data subjects (experts) in the expert repositories:

- Phone/fax number
- expert type
- identity card/passport number
- place and country of birth
- former family name
- details of the current employment
- details of up to 5 previous employers (optional)
- reference of candidature
- professional experience, research interest and/or expertise in the form of key-words to allow the identification of the most competent expert for a proposal
- bank details (encoded in ABAC - Accrual Based ACcounting, when applicable, for reimbursement): account name and number/IBAN, bank name, branch address
- disability or other reason for specific requests for special tools needed during evaluations.

The information is mainly provided by the data subjects themselves.

C. Additional data collected and processed for expert reimbursement

- unavailability of an expert due to health or other personal reasons including supporting evidence
- disability or other personal reason for special travel arrangements
- travel information including transportation type, place of departure/arrival, class of travel, price, supporting documents
- amount of the daily allowance
- amount of the accommodation allowance
- meeting days and/or amount of days worked
- amount of projects screened/reviewed within a call for proposal
- cost claim/invoice

D. Information collected for the Annual Information Exercise

General information

1. Expert ID
2. Last call in which the panel member served
3. Panel
4. Role (Panel chair/member)
5. Name
6. Gender
7. Nationality
8. First year of appointment

Participation & Availability

1. Number of calls served
2. Future non-availability stated? Y/N

Compliance

1. Number of assigned proposals
2. Number of finalised reviews
3. Number of reviews finalised late (i.e. after the panel deadline for remote evaluation) Justification provided? Y/N
4. Number of characters in reviews clearly below the normal average number (e.g. less than 1 full sentence; telegraphic style)
5. Attendance to step 1 panel meeting? Y/N
Attendance to step 2 panel meeting? Y/N
6. Overall procedural compliance based on the following criteria:
 - A – Failure to comply:
 - with confidentiality rules? Y/N
 - with Conflict of Interest rules? Y/N
 - B – Failed to meet an already accepted commitment (evaluations and/or meeting attendance)? Y/N
 - How many evaluations? ____ Justification provided? Y/N
 - How many meetings? ____ Justification provided? Y/N
 - C – Lack of participation during the panel meeting discussion? Y/N
 - Lack of participation during the final evaluation decision on proposals? Y/N
 - D – Reproduction of text from other experts or from the proposal as identified by copy-paste detection tools? Y/N How many times? ____
 - E – Submission of IARs requiring correction ____

The information above is completed by a *graphic illustration* summarising for each expert the availability, past participation in the peer review process, failure to comply with the terms and conditions of the Appointment letter (APL) and ERC procedures, gender of the panel members, country of their institution and current status as ERC grantees (if applicable).

(see also see annex 2: Procedure on the "Information gathering exercise for the purpose of composing panels", its annex 4.4).

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The appointments letter includes a data protection clause, see footnote 4 of the appointment letter for experts (page 7-9 of annex 3) and the part on data protection on page 4 of its Annex I (page 11 of annex 3).

"Research Family" Participant Portal:

A Specific Privacy Statement on the overall FP7 "Processing operations of experts data" is published in the "Expert" area (available on this page <https://ec.europa.eu/research/participants/portal/page/legal>). The Commission is controller of this processing.

ERC public website:

- Information on the selection and management of experts and the annual information exercise is published on a dedicated page: <http://erc.europa.eu/space-erc-reviewers>.
- The specific privacy statement (SPS) on Experts selection and management is published in the "Document Library - Data Protection" section (<http://erc.europa.eu/document-library>) (see annex 1).

Annual Information Exercise:

At the outset of the evaluation process, panel members are informed by letter that and which factual information about their participation in the ERC evaluation process and their procedural compliance will be gathered and annually transferred to the Scientific Council as part of the performance information exercise. Enclosed to the letter they receive the related SPS on the "Annual Information Exercise to the Scientific Council" (see annex 1 and 2: SPS and Procedure on the "Information gathering exercise for the purpose of composing panels", its annexes 4.2 and 4.3).

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

- All experts receiving remuneration can access and update their own data in the expert repository.
- Unpaid experts can update their data with the help of agency staff as their information is stored locally at the ERCEA. Contact can be made directly with an ERCEA staff member or via the dedicated functional mailbox: ERC-EXPERTS@ec.europa.eu.
- Any questions/requests by experts can be sent to the same functional mailbox and will be treated as quickly as possible.
- Direct contact point is the controller, the Head of Department B, as explained in section 4 of the Specific Privacy Statement on Experts selection and management (Annex 1).
- Article 13 of Steering Committee decision StC210610/6 on the "implementing rules concerning the Data Protection Officer" (available on the ERC external website) details the general rights given to any data subject by the ERCEA (duty of the ERCEA to reply to any request without delay, right of recourse to the DPO/EDPS etc.).

9/ AUTOMATED / MANUAL PROCESSING OPERATION

A. Overview of the process

An overview on the nomination of experts is given on page 4 of the ERCEA Expert Management Procedure (annex 4) while page 55 explains the nomination of remote referees. Page 5 of the same document explains the organisation of a panel.

Please see annex 5 for the panel nominations data flow. It includes the use of the Experts Management Participant Portal (EMPP), a centralised research family tool and repository for the management of experts' data that is managed by REA (see REA's notification to the EDPS on the topic) and the Expert Management module Internal (EMI). System owner of EMI is the European Commission. It is a software system integrated into the RTD-I-FP7-IT suite (Seventh Framework Programme, FP7) as notified separately by the Commission. EMI is a tool to enable, among other functions, the authorised agents to pay experts who assist the Research Family services (Commission DGs and Executive Agencies).

Please see annex 10, the Guide to the ERC Web Evaluation Tool (Web EVA), for information on the ERC internal evaluators tool. Annex 11 is the vision document that outlines how this tool is currently

being updated to develop a new Internet application to be used by external experts in the recruitment and payment process in preparation of the next framework programme, Horizon2020. In this case the ERCEA cooperates with the European Commission. The document is attached purely for information purposes at this stage. A separate notification on Experts selection and management will be provided once Horizon2020 is in place.

For in-depth understanding of the ERC granting process, the rules applying to the submission and peer review evaluation of proposals, and to the award of grants to successful proposals are attached in annex 8, the Commission Decision 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 (2007-2013). They set out the fundamental parameters and are designed to ensure that the procedures leading up to the award of grants are rigorous, fair, effective and appropriate.

Article 17(2) of Regulation (EC) 1906/2006, the so-called "Rules for Participation", provides for the special handling of the experts selection and appointment within the frontier research (IDEAS and ERC activity field). It is of help for appreciating the lawfulness of the differences that one might detect when comparing ERC approach to the standard selection and appointment procedures of the Research family and FP7. They can be found under this link

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:391:0001:0018:EN:PDF>.

B. Procedure

The ERC Frontier Research Grants Guide for Peer Reviewers (annex 9) as published on the ERC public website lays out the process for the evaluation of proposals for experts.

1. Identification and Appointment of experts

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. It relies on its members and on information provided by panel members or by the ERCEA to identify experts. Based on this proposal the ERCEA then appoints them formally.

The ERCEA has 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. Independent experts are required to have skills and knowledge appropriate to the areas of activity in which they are asked to assist, relevant language skills and may come from countries other than the Member States or countries associated to the FP7.

First contact with the experts is usually based upon public available information (e.g. contact details downloaded from internet websites). After the first contact intended to verify their interest to cooperate, the ERCEA requests these experts to provide identification data and sign the Appointment Letter (APL) which defines the relationship between the ERCEA and the experts, see annex 3, page 7-9). APLs are generated by the local ERCEA experts management tool.

Signature of this agreement by the reviewer indicates acceptance of the conditions regarding confidentiality and conflict of interest (Code of Conduct, Annex II to the Guide for Peer Reviewers, annex 9, and also Annex II to the APL, annex 3 page 12-14), and the use of personal data by the ERCEA. For the appointment of independent experts dealing with classified information, security clearance is required.

ERCEA staff manually encodes the identification information provided by ERC experts receiving remuneration into the local ERCEA Experts database. Experts not receiving any remuneration are requested to provide their data through online forms (encrypted https and ECAS protected).

In a second step, further information about ERC experts' research interests and expertise may be collected by means of key-words (identifying their expertise to allow allocation of appropriate proposals to the expert for review). This information can be voluntarily provided by the ERC experts or collected by ERCEA staff via official internet websites (i.e. Host Institution webpage). ERC experts may also be requested to provide indications.

a) Experts receiving remuneration

The identification information of paid experts is transferred to the central repository of the European Commission, EMPP, once they have been appointed. Currently, the updating operations are to be made manually by ERCEA agents upon request of the ERC experts (as also indicated by section 4 of the relevant Specific Privacy Statement). When fully operational, EMPP will allow an automatic synchronisation of data with the local ERCEA experts database, preventing any discrepancy/inconsistency between the central and the local repositories. The system is still under preparation.

Basic identification data and financial information is further transferred to the EMI system.

The administrative information on the Bank account and Legal entity is recorded in the Commission's **Accrual Based Accounting (ABAC)** system. It is a transversal, transactional information system allowing for the execution and monitoring of all budgetary and accounting operations by the Commission and Agencies. The Commission (DG BUDG) notifications DPO-300 (Bank account file) and DPO-372 (Legal entity file) cover the relevant processing. Full explanations are given through the dedicated DG BUDG webpages for applicants and contractors: http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_fr.cfm http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_fr.cfm.

b) Experts not receiving any remuneration

Currently, data of non-paid experts are not integrated in the central repository, but simply handled in the local ERCEA experts' database. In the future, this might be improved through an automatic integration of data in EMPP.

Once identified, these experts are contacted by the ERCEA by means of e-mail (using public available contact details) in order to check their interest to cooperate with ERCEA.

In case of a positively reply, the expert is invited to complete their profile in the local ERCEA experts' database online to provide the ERCEA with the necessary data to allow the issuing of an APL.

As these experts are not paid, no data is transferred to the central repository, i.e. no transfer to EMPP. Therefore, any modification/rectification is and will be processed by ERCEA agents upon request of the ERC experts (as also indicated in section 4 of the Specific Privacy Statement, annex 1).

2. Expert management

Before and during an evaluation, lists from the ERCEA evaluation database displaying the appointed ERC 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. The lists display the following data: name, host institution and professional experience, research interest.

Appointed ERC experts can be called upon to cooperate with the ERCEA at any time after they signed the APL according to the actual ERCEA needs. To allocate tasks to an expert, the ERCEA sends an Assignment of Tasks letter (AoT), (annex 7). The AoT reminds the expert to "use any personal data you receive only for the purposes for which they are transmitted to you."

Data provided by experts that relates to health issues, disabilities or other personal inconveniences are dealt with by a restricted group of staff members only and in line with the obligation of professional secrecy equivalent to that of a health professional (medical secrecy): only the "initiating", "verifying" and "authorising" agents access and process such data.

Upon reception of the documentary evidence allowing the ERCEA to declare the incurred expenses eligible, reimburse the experts and/or provide them with the necessary adequate working tools, the authorised agents process the documents in a paper file (folder with confidentiality marking) and upload them electronically into EMI as supporting documents for the payments.

3. Publication

Independent experts are not allowed to disclose the names of other experts participating in the peer review evaluation or scientific follow up. The ERCEA may publish lists of names of appointed experts once a year without indicating which proposals they have evaluated, which peer review evaluation session they have observed or which projects they have examined, see paragraph 10 of Annex II of the Code of Conduct for independent experts ("experts") in peer review evaluations and scientific follow-up (annex 3, page 13).

4. Exclusion of experts

Applicants submitting research proposals may indicate specific experts that they wish not to be involved in the evaluation of their own proposal. The ERCEA notified the related processing of data for the "Exclusion of Experts by Applicants" for prior-checking by the EDPS separately in case no. 2011-661.

5. Annual information exercise

"To maintain the integrity of the ERC's evaluation process and to implement the prescribed rotation of experts, the ScC undertakes an annual information exercise to look at the composition of each of the panels so as to ensure the necessary breadth and diversity of scientific expertise including an appropriate gender and geographical balance. As part of this exercise the ScC also takes into account the consistency of the contribution of each of the panel members, the compliance with ERC methods and procedures for peer review and proposal evaluation and the number of calls each member has served. As a result of this exercise panel members are regularly changed (introduction to procedure on the annual information exercise, annex 2).

The information gathered on the panel members is consolidated for all panels and domains by the ERCEA Operational Standing Committee. The consolidated report is presented to the Head of Department B for final validation before sending it to the Scientific Council.

The report is preceded by a cover note that reminds the Scientific Council of its duty of confidentiality, the purpose limitation of the transfer and the obligation to keep the data no longer than necessary for the purpose for which the data is transmitted. The transfer to the Scientific Council is then operated by ERCEA Unit A1 in charge of the communication with the Scientific Council following the usual procedure of transfer of data (the procedure of transfer of data is detailed by the notification ERCEA DPO 33-2012, EDPS case 20120831, for which the EDPS' denied the need for an Article 27 notification). The preparation and processing of data is operated by duly authorised agents only.

The data transferred to the Scientific Council are encrypted and sent via a password protected CDROM (password is communicated orally to the recipient). The transfer is accompanied by a cover note detailing the obligations of the recipient concerning the protection of the data as is also explained in Annex II of the *Guidance on the handling of requests of access to ERCEA's data and documents by the Scientific Council*, the *Guidance on Basic Principles and Questions for the Protection of Personal Data* (annex 6).

An alternative means of transfer of data to the Scientific Council members is the CIRCA and CIRCABC platform owned by the Commission. It guarantees protected and restricted access according to the "need to know" principle. CIRCA and CIRCABC are extranet tools which enable a given community (e.g. committee, working group, project group, etc.) geographically spread across Europe (and beyond) to maintain a private space on the Internet where they can share information, documents, participate in discussion fora, etc. The system provides a private workspace called "interest groups" to collaborate on

common objectives and tasks and is notified in the Commission DPO Register under number DPO-1008.2.

10/ STORAGE MEDIA OF DATA

Selection and Management phases:

- All expert information is stored in the local ERCEA repository that is hosted on the ERCEA and DG DIGIT servers.
- Data of paid experts is entered via EMPP into to the central repository.
- Signed appointment letters are stored in the ERCEA archives and in ARES (the official document repository of the Commission).
- EMPP and ARES are secured via ECAS, the Authentication Service implemented by the European Commission.

Annual Information Exercise:

- Data are stored in a secured local ERCEA database and updated periodically with information collected during panel sessions.
- Some MS Excel tables may be created on the Department B shared drive, the access to which is strictly limited on a “need-to-know” basis.
- The transmission to the Scientific Council has to be duly registered in ARES, but no batch of personal data is uploaded in this repository (only the cover note and the references to the ERCEA local storage are recorded).

ERCEA and Commission servers abide by the European Commission’s security decisions and provisions established by the Directorate of Security for this kind of servers and services.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Regulation (EC) n. 1906/2006 of the European Parliament and of the Council of 18 December laying down the rules for the participation of undertakings, research centres and universities in actions under the Seventh Framework Programme and for the dissemination of research results (2007-2013), explaining in Preamble (16) that “...to govern the submission, evaluation and selection of proposals and award of grants, as well as redress procedures for participants,.... ...the rules governing the use of independent experts should be established.” Article 17, particularly n°. 2, of the regulation regulates the information that needs to be processed for the “Appointment of Independent Experts”. The document can be found under this link <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:391:0001:0018:EN:PDF>.

- Council Decision 2006/972/EC of 19 December 2006 concerning the Specific Programme “Ideas” implementing the 7th Research Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013), particularly Article 4, which explains the ERC’s structure and Annex 1, which explains the ScC’s role in the selection of experts. The document can be found here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:400:0243:0271:EN:PDF>.

- Commission 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 (2007-2013) (Annex 8)

- Commission Decision 2010/767/EU of 9 December 2010 amending Decision C(2007)2286 (see above)

- Commission Decision C(2011)7216 of 5 October 2011 amending Commission Decision C(2010)9271 on the adoption of the model appointment letters for the independent experts participating to the peer review evaluation of proposals submitted to the European Research Council (ERC) under the Ideas Specific Programme implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013). It is not published in the Official Journal, however it can be requested by external users through the "Commission Register" at the following website: <http://ec.europa.eu/transparency/regdoc/index.cfm?fuseaction=home>. It is not attached to this notification as the information in the decision is already included in the documents attached.

- Part 2.3.2 of the Service Level Agreement between the Directorate General for Research and Innovation and the European Research Council Executive Agency for the provision of FP7 information systems and services and the Common Evaluation Platform, dated 30/07/2012 (annex 12), which explains the management of the Electronic Proposals Submission System (EPSS).

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

- Internal authorised **ERCEA staff** that manage the operational and financial aspects of research proposals and projects. Access to data related to health or disability is restricted to a small number of particularly nominated ERCEA staff.

- **Members of the ScC** receive limited information such as full name, host institution and expertise of experts. The data is provided only for the annual information exercise as explained in the procedure on the "Information gathering exercise for the purpose of composing panels", here in annex 4.5 (annex 2 to the notification). The data transfer is regulated by the procedure on transfer of data to the ScC (see annex 5 and also EDPS case 2012-0831 on the same topic).

- **Other European institutions** linked to the "Ideas" Specific Programme, particularly the European Commission and its offices (DGs RTD, HR, DIGIT, Publication Office) and the Research Executive Agency (REA) who is responsible for the management of EMPP.

- The **public** has access to basic information on experts:

(a) The full name of experts that have participated in evaluations without a link to specific proposals/projects they reviewed is published on CORDIS (http://cordis.europa.eu/fp7/experts_en.html)

(b) The list of panel members is published on the ERC public website.

- **Public research funding bodies**/other programmes and initiatives of member and associated states/Commission departments not involved in the administration of the research framework programme that seek particular scientific or technical expertise to assist in the administration of other EU programmes may receive access to the experts' profile data provided the expert has given prior consent through an opt-in option.

- Some personal data may be disclosed in compliance with the relevant current legislation and established case law, and on a temporary basis to the following institutions:

(a) Civil Service Tribunal, at its request

(b) Ombudsman

(c) European Data Protection Supervisor (EDPS), at his request

(d) audit and control bodies such as OLAF and the Court of Auditors

- External researches on the basis of a CSA (Common Support Action) to review specific issues such as the influence of gender on panel decisions, only if the specific experts give their informed consent to the processing.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Data of experts having contributed to ERC evaluation activities are kept by ERCEA for 10 years after the end of the project on which they provided their service, as required by the Commission's Common Retention List SEC(2007)970 revised by SEC(2012)713.

Experts with an EMPP profile may themselves update or delete online their personal **data stored in EMPP** through the Participant Portal. Data in EMPP not updated during the last 10 years is removed automatically.

With regards to the **data stored in the local ERCEA database**, the ERC experts willing to update or remove earlier their data have to first notify the ERCEA which will satisfy their request on demand. In principle, the same retention period applies.

Data related to the **annual information exercise** is kept for 10 years following the completion of the yearly exercise by the ERCEA. The ScC, on the other hand, is invited to fully eliminate them once they have served the purpose for which they were transmitted.

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

The controller will reply to the data subject's request without delay, as provided for by Article 13 of Steering Committee decision StC210610/6 on the "implementing rules concerning the Data Protection Officer".

ERCEA local repository: Experts' data can be blocked/erased once their evaluation tasks are completed and the evaluation session/reimbursement processes are closed. Generally, during an evaluation session technical and administrative constraints, such as the possible disruption of evaluations and/or reimbursement, do not allow for blocking/erasure of expert data. Data can be exceptionally blocked immediately in case of (a) an expert's death or (b) the expert's unambiguous and permanent refusal to work for the ERC. However, the simple name will still stay functional to avoid future attempts to contact the expert.

EMPP: Please see notification n° REA-DPN-2013-05 presented to the EDPS by the REA for details.

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 and field of expertise may be prepared on FP7 experts.

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

Experts' data may be transferred to Third Countries only following prior and informed consent of the expert on special occasions. No regular data transfer takes place.

Data published on the ERC or CORDA public websites is publicly accessible.

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

Concerning expert selection, appointment and management

- Experts may inform the ERCEA of their unavailability for health or other personal reasons, of their need for special working tools or request reimbursement of special (travel) expenses, providing as evidence a declaration on honour, a medical certificate or a related travel document.
- An expert may be requested to provide “security clearance” documentation from national bodies before being allocated to review a specific proposal/project that deals with classified information (this is handled directly by the Commission as ERCEA has no appropriate delegation).

Concerning experts’ conflicts of interest or misconduct during the performance of tasks

An expert will be excluded from an evaluation/review procedure in case a disqualifying or potential conflict of interest is discovered that had not been previously declared and accepted. Sanctions as foreseen in the expert appointment letter (see page 10, paragraph on “*Inability to perform obligations and termination*” of annex 3, the procedure for identification and appointment of experts/referees). An expert is can also be excluded from the list of independent experts to be appointed by the ERCEA in case of a breach of the Code of Conduct or serious misconduct. The expert would be 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 downstream notifications linked to the European Commission, DG Research and Innovation, DPO-978.6 (hereinafter referred to as the “umbrella” notification for the 7th Research Framework Programme, hereinafter FP7). The umbrella notification explains in general the “Collection and processing of data submitted by proposal Applicants/project

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Participants/Organisations and Experts in the context of Framework Programmes and other Programmes and Initiatives managed by the Directorate-General for Research and Innovation (DG RTD)” and focuses on the whole FP7, while this notification concentrates on the selection and management of experts specifically for the programme IDEAS, which constitutes a part of FP7.

This notification is also linked to the processing in the Expert Management Participant Portal (EMPP), a central repository which is managed by the Research Executive Agency (REA), and in which most experts, mainly those that receive reimbursement, are registered. The system owner and controller is REA, and the processing has been notified to the EDPS under n° REA-DPN-2013-05.

In case of paid experts, the administrative information on the bank account and legal entity is recorded in the Accrual Based Accounting (ABAC) system of the Commission (DG BUDG), see Commission notifications DPO-300 (Bank account file) and DPO-372 (Legal entity file).

List of annexes:

- (1) **Specific Privacy Statement – IDEAS – ERCEA Experts Selection and Management**
- (2) Procedure “**Annual Information Exercise for the purpose of composing panels**” (relevant for the gathering and transfer of information by the ERCEA to the Scientific Council), including the Specific Privacy Statement in Annex 3 of the procedure.
- (3) Procedure set on the Identification and Appointment of Referees including the sub-procedures on “**Expert Identification**”, “**Referee Appointment**”, “**Identification and Invitation of Referees**”, the **appointment letter for experts and referees** and the **code of conduct for experts**
- (4) Procedure set on **Expert Management** including on page 4 and 5 a **flow chart** on expert nomination, panel work and reimbursement including the different steps of the process
- (5) **Panel nominations data flow (IT perspective)**
- (6) **Guidance Note on the handling of requests of access to ERCEA's data and documents by the Scientific Council**
- (7) **Assignment of tasks for Ethical Reviewers**
- (8) Commission Decision of 9 Dec 2010 on 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**
- (9) **Guide to ERC Peer Reviewers**
- (10) **ERCEA Web Evaluation tool (Web EVA), Expert User's Guide,**
- (11) **European Commission, Expert Web Management Vision Document** (outlook planned future involvement of expert management tools)
- (12) **Service Level Agreement** between the Directorate General for Research and Innovation and the European Research Council Executive Agency for the **provision of FP7 information systems and services and the Common Evaluation Platform.**

Documents such as the Appointment Letter template, general conditions, the code of conduct or the ECAS account are also available at: <http://erc.europa.eu/space-erc-reviewers>.

PLACE AND DATE:

DATA PROTECTION OFFICER:

INSTITUTION OR BODY: