

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1177

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 18/10/2013

CASE NUMBER: 2013-1162

INSTITUTION: IMI

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

IMI JU
TO 56/6
B-1049 BRUSSELS

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

Financial Team, Matti FARKKILA (procurement officer)
(rnatti.farkkila@imi.europa.eu)

Scientific team, Colm CARROL (call coordinator)
(colm.carroll@imi.europa.eu)

In the award decisions, the Executive Director (for procurement) and the Governing Board (for grants) are also involved. EFPIA representatives (IMI JU private member) attend IMI grants' evaluation sessions.

3/ NAME OF THE PROCESSING

Management of data in the context of public procurement, grants as well as selection and use of external experts.

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Personal data is collected and managed for the purpose of evaluating personal aspects of the applicants and tenderers (and/or their legal representatives) including their ability, efficiency and conduct according to the exclusion criteria.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Tenderers and contractors; Applicants and participants to IMI grants; and, Experts

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

Categories of data processed:

- Identification data: name, contact details, financial statements and bank accounts, declaration of non-conflict of interest, CVs.
- Personal data related to absence of conflict of interest for reasons involving family, emotional life, political and national affinity, economic or any other shared interest with the beneficiary, as well as, bankruptcy, professional misconduct, fraud or corruption information are also processed.
- Special categories of data processed: none

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The IMI JU ensures that data subjects' personal data are processed as required by Article 11 of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 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 (Official Journal of the European Communities, L 8 of 12 January 2001).

Information is included in the privacy statement prepared for the processing operation related to public procurement, grants and use of external experts. It explains to the data subjects the purpose, the procedure to be followed, and the possibilities of appeal.

This information is available on the IMI website and shared drive.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

The procedure to grant rights to data subjects is laid down in Article 8 of the Implementing Rules concerning IMI Data Protection Officer. These include:

- Access to the DPO's register of data processing operations;
- Requests from data subjects to the Data Controller to exercise their rights; as well as
- Detailed procedures to exercise the rights to access, rectify, erase, block, and object (as required by articles 13-16 of Regulation (EC) No 45/2001).

Data subjects have the right of access and to rectify data, to appeal or request to erase inaccurate data.

Exemptions and restrictions as specified in Article 20 of the Regulation apply.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Processing of data:

- Collection: procurement - procurement officer/ grants + experts - scientific team.
- Use: management, financial and scientific officers in charge and data subject.
- Transfer: Hierarchy, members of the governance bodies (in case of calls for proposals), members of the selection panels, Court of Auditors, European Court of Justice, Lawyers (internal & external), and Internal Audit Service of the EC.
- Storage: procurement - procurement officer! grants + experts - scientific team! financial team for all.
- Destruction of data: the data is kept for the period necessary for the purposes for which the data was collected or for which they are further processed as for control or audit and the period in which it can be challenged. The files of unsuccessful tenderers, grant applications or experts may be retained only up to five years after the end of the period for all possible appeals. IMI deletes where possible data which is not necessary for budgetary discharge, control and audit purposes.

10/ STORAGE MEDIA OF DATA

During the preparatory phase and until the award of a procurement contract or a grant, data is stored on paper in a closed cupboard under the responsibility of authorised staff members.

Data which is stored in electronic files are protected by a restricted access to the authorised staff members.

Data related to experts is stored on paper in a closed cupboard under the responsibility of authorised staff members including for reimbursement purposes.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Council Regulation setting up IMI JU: Articles 19 (Statutes) - procurement; 12 (statutes) grants
- IMI financial rules: Articles 76 to 91 - procurement; 92 to 109 - grants; 110 - experts
 - Article 5(a) of Regulation 45/2001

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

Court of Auditors, European Court of Justice, Lawyers (internal & external), Internal Audit Service of the EC.

Information on expressions of interest is provided to IMI governance bodies (in case of the IMI States Representatives Group permission is requested to the applicants).

Award decisions are public.

In addition, IMI should also report annually on number of proposals submitted, number of proposals selected for funding type of participants, SME and countries statistics [article 11(1) of the Council Regulation setting up the IMI] and publishes the names of the experts' evaluators and reviewers on the JU website.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

- The data is kept for the period necessary for the purposes for which the data was collected or for which they are further processed as for control or audit and the period in which it can be challenged.

- The files of unsuccessful tenderers, grant applications or experts may be retained only up to five years after the end of the period for all possible appeals.

- IMI deletes where possible data which is not necessary for budgetary discharge, control and audit purposes.

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

- Requests to erase and rectify data should be treated within 5 working days upon request with legitimate grounds.

- The data should be immediately blocked for verifying purposes.

- The data subject will be informed within 5 working days of the approval/rejection of his/her request.

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

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.

Data are not kept for historical, statistical or scientific purposes.

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

Data are not transferred to third countries or international organisations.

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

AS FORESEEN IN:

1 Article 27.2.(b)

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

17/ COMMENTS

No comments

PLACE AND DATE: BRUXELLES, 16/10/2013

DATA PROTECTION OFFICER: E. RIBEIRO

INSTITUTION OR BODY: IMI JU