

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1188

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 14/11/2013

CASE NUMBER: 2013-1270

INSTITUTION: CLEAN SKY

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

CLEAN SKY JU
TO 56/6
B-1049 BRUSSELS

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

Legal and procurement officer: Bruno MASTANTUONO

Coordinator Project Officer: Giuseppe PAGNANO

IT Officer: Joseph COSGRAVE

In the award decisions, the Executive Director (for procurements up to 500K) and the Governing Board (for procurements above 500K and for formal approval of grants) are also involved. CSJU private members are involved only in grants evaluation process through the Topic Manager who briefs the expert on the goals of the calls and provide assistance where appropriate

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

3/ NAME OF THE PROCESSING

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

4/ PURPOSE OR PURPOSES OF THE PROCESSING

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

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Tenderers and contractors; Applicants and participants to CSJU grants; 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 CSJU 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 CSJU website

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 CSJU Data Protection Officer (Decision of the Executive Director n° 34). 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 - project officers team and IT officer
- Use: management, financial and scientific officers in charge and data subject.
- Transfer: Hierarchy, Governing Board including the EC, ITDs Steering Committees, National State Representative Group (for calls for proposals only the list of grants beneficiaries "list of organization" is provided to the above bodies), members of the evaluation panels, members of redress committee (JU staff), Court of Auditors, European Court of Justice, 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. CSJU 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 are stored on paper in closed cupboards under the responsibility of authorised staff members.

Data which are 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 No 71/2008 setting up CSJU
- CSJU financial rules
- 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, Internal Audit Service of the EC.

Award decisions are public. The CSJU publish all the information in an Annual Activity Report available on the 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.

CSJU 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 shall be sent to the DPO (CSJU privacy statement) and 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.

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

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:

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

No Comments

PLACE AND DATE: BRUSSELS, 16/10/2013

DATA PROTECTION OFFICER: BRUNO MASTANTUONO

INSTITUTION OR BODY: CLEAN SKY