



## PRIVACY NOTICE ON PERSONAL DATA PROTECTION REGARDING

### Claim assessment process under F4E works contracts

The objective of this Notice is to inform you, the data subject, about the collection, processing and data protection safeguards put in place by F4E to make sure your personal data is well processed, in line with the applicable Data Protection Regulation 2018/1725<sup>1</sup>.

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#### 1. [Why does F4E process my personal data? Whose data is processed?](#)

The data processing concerns a contractual claim submitted by the contractors under F4E works contracts which needs to be assessed during the claim assessment procedure. The purpose of this procedure is to verify the entitlement of the contractor to e.g. additional payments and/or extension of time, depending on the specific claim, and to enable the assessment of the contractual claim which is performed among contractor's supporting documents, including data of natural persons, in a proper manner, in order to ensure that the data are not processed for any other purposes or uses and only for the purposes for which they were transmitted. Some processing may also be necessary during the assessment of a claim and/or dispute under Clause 20 [Claims and Disputes] of FIDIC contracts.

Through this process, personal data of contractor's employees, sub-contractor's employees or third economic operator's employees under F4E's works contracts will be processed.

#### 2. [What is the justification for the processing?](#)

Processing of your data is necessary for the **performance of F4E tasks** on the basis of the F4E founding instrument. It is based on:

Council Decision of 27 March 2007 "establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it" - 2007/198/Euratom, as last amended by Council Decision of 10 February 2015 (2015/224 Euratom), O.J. L 37, 13.2.2015, p.8, in particular Article 6 thereof;

Statutes annexed to the Council Decision (Euratom) No 198/2007 “establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it”, as last amended on 10 February 2015, in particular Article 10 thereof.

Also, processing is necessary for **compliance with the legal obligation of F4E** in the exercise of activities which fall within the claim assessment procedure under F4E’s works contracts based on:

F4E works contracts amended under FIDIC license (Sub-clauses 3.5, 20.1);

Claim assessment policy under F4E works contracts (also referred in the document as claim assessment procedure).

### 3. [Which data is F4E processing?](#)

Personal data shall mean any information relating to an identified, directly or indirectly, or identifiable natural person which shall only be processed in the exercise of activities which fall within the claim assessment procedure under F4E’s works contracts, and thus are necessary for the assessment of the particular claim, such as:

- name, date of birth, gender, personal numbers or other identifiers of general application, nationality, contact details (company and department, postal address, country of residence, business telephone number, mobile telephone number, fax number, e-mail address and internet address) and signature;
- functions, working hours, working place, salaries, time sheets, other information or personal data provided under the works contracts.

It is an illustrative listing without limitation to any other possible personal data which could be disclosed by the contractor during the claim assessment procedure.

Only relevant and necessary data for the claim assessment may be collected and further processed during a claim assessment procedure. Since the information is not provided on standard forms, the Contractor may supply information which might not be necessary for the purpose of the claim assessment, for instance gender, age and nationality.

### 4. [To whom are my data disclosed?](#)

The following recipients have access to your personal data:

- F4E staff members from the Operational, Legal, Procurement and Finance units involved in the

areas concerning claim assessment procedure regarding F4E works contracts;

- Staff from the units entrusted with a monitoring or inspection task in application of European Union law (e.g. internal audit);
- ENGAGE SNC Contractor as the Engineer in F4E’s works contracts;
- Other staff member may be consulted if deemed necessary for a specific case;
- F4E ICT staff, providing technical support;
- F4E IDM Manager, if necessary for support.

Also, only if appropriate and necessary for monitoring or inspection tasks, access may be granted to: F4E Director, Head of Admin, F4E DPO and Anti-Fraud & Ethics Officer / Head or responsible officer of LSU.

### 5. [How long does F4E store my data?](#)

Files including all the documents related to a claim assessment procedure which could comprise personal data of contractor’s personnel should be kept up to 5 (five) years after payment of the final instalment of the Contract Price according to the provisions of the F4E works contracts (Sub-Clauses related to [*Checks and Audits*]). Also after this period the files will be subjected to a sample/selection for elimination or preservation. Files might be retained until the end of a possible audit or Court Proceeding if one started before the end of the above period.

### 6. [Does F4E intend to transfer my data to third countries or International Organizations?](#)

Staff of the ITER (International Thermonuclear Experimental Reactor) Organisation (F4E is ITER’s European Domestic Agency) could exceptionally be involved in the claim assessment procedure, in the framework of the implementation of F4E works contracts. This transfer would in any case be necessary for the performance of the particular F4E works contract.

Reference: ITER is bound by its corporate rules approved in ITER IDM on 7<sup>th</sup> November 2017 under ref. UXG6V6 [Data Protection Guidelines].

### 7. [What are my rights in relation to my data and how can I exercise them?](#)

You have the right to access your personal data, to correct any inaccurate or incomplete data, to request restriction or erasure, or to object to the processing, pursuant to Articles 14(3), 17-23, 25 of the Regulation 2018/1725.

Any request to exercise one of those rights should be directed to the Controller ([LSU-DP@f4e.europa.eu](mailto:LSU-DP@f4e.europa.eu)). Where you wish to exercise your rights in the context of one or several specific processing operations or files,

please provide their description and reference(s) in your request.

Exceptions based on Article 25 of Regulation 2018/1725 may apply.

#### 8. [Contact details of the Data Protection Officer](#)

You may contact the Data Protection Officer (DPO) of F4E ([DataProtectionOfficer@f4e.europa.eu](mailto:DataProtectionOfficer@f4e.europa.eu)) with regard to issues related to the processing of your personal data under Regulation 2018/1725.

#### 9. [Right of recourse](#)

You have the right to have recourse to the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)), if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by F4E.

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<sup>1</sup> Regulation 2018/1725 of 23 October 2018 "on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data". O.J 21.11.2018, L295/39.  
This Privacy Notice is in line with Article 14 and 15 of this Regulation (Principle of Transparency).