

**Specific Privacy Notice on personal data protection in relation to the
Establishment of rights, entitlements and administrative procedures upon
departure**

Fusion for Energy processes the personal data in accordance with the *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* (the “Regulation (EC) 45/2001”). As laid down in Articles 11 and 12 of the Regulation (EC) 45/2001, Fusion for Energy provides data subjects with the following information:

Identity of the Data Controller:

Mr. Hans Jahreiss - Head of the Administration Department of Fusion for Energy.

Purposes of the processing operation:

The purpose of the data processing operations is to manage the establishment of rights and entitlements and the related administrative procedures upon departure of staff (either following resignation, end of contract, retirement/early retirement, death, or transfer of EU officials to another EU body). Part of the data (name, surname and date of departure) is also used for internal communication purpose in order to keep all staff informed regarding the colleagues leaving Fusion for Energy.

Legal basis:

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 in particular Article 6 thereof;

The Statutes annexed to the 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 in particular Article 10 thereof;

Staff Regulations of Officials (SR), in particular Annex VII and the Conditions of Employment of Other Servants of the European Communities (CEOS), in particular chapters 5 and 7;

Decision of the Director F4E_D_2BXX34 of 29 April 2015 on the exercise of powers conferred by the Staff Regulations on the appointing authority and by the conditions of employment of other servants on the authority responsible for concluding contracts of employment;

Service Level Agreement between PMO and Fusion for Energy signed on 17 December 2014 and further updates when applying.

Lawfulness of the processing:

In accordance with Article 5 (a) of Regulation (EC) 45/2001, the processing of the personal data is necessary for the performance of Fusion for Energy tasks carried out in the public interest on the basis of the Fusion for Energy founding instrument and in the legitimate exercise of official authority vested in Fusion for Energy and in a third party to whom the data are disclosed. The processing is also necessary in order to comply with Fusion for Energy legal obligations under the Staff Regulations and Conditions of Employment of Other Servants.

Data Subjects Concerned:

Fusion for Energy staff members (covered by the Staff Regulations and the Conditions of Employment of Other Servants) or their relatives (in case of death of the staff member)

Staff members are free to give their data and provide the required supporting documents on a voluntary basis, although failure to do so may exclude them automatically from an entitlement.

Categories of data:

Data provided by the staff member in the relevant forms as well as supporting documents attached.

In case of the transfer of EU Officials to other EU bodies/institutions:

Full content of personal file. Moreover Fusion for Energy's HR Unit informs the ICT Unit upon the departure of staff. It consists of transfer of information so that the ICT Unit can disable accounts and remove access to IT resources. The information transferred is: Name, Family name, last contract date and effective departure date.

Recipients of the data processed:**Decisions related to departure and letter informing of the end of contract:**

- HR Officer in charge of the file
- Head of Human Resources Unit
- Head of Administration Department
- Director

Leaving Form:

- HR Officer in charge of the file
- Finance Team Leader in charge of missions expenses
- Budget Officer in charge of the mission credit card
- Logistics Officer in charge of privileges
- Logistics Officer in charge of security

- IT Officer in charge of IT assets
- Direct superior of staff member (only to state that the handover file has been submitted)

All other forms and supporting documents:

- HR Officer in charge of the file
- Paymaster Office of the European Commission

Name, surname and date of departure:

- Communication officer

All documents listed above:

- Fusion for Energy responsible Legal Officer (in case of a dispute)
- Internal Auditor and Court of Auditors (for auditing purposes only)
- European Ombudsman (upon justified request)
- Court of Justice of the European Union (upon justified request)
- OLAF (upon justified request)

Date when processing starts:

The processing starts on the date the data concerning departure is registered in e-hr.

Time limits for storage:

10 years following the last pension payment. Original files are then transferred to Historical Archives by PMO.

Transfer of data

The internal and inter-institutional data transfers according to Article 7 of the Regulation, is only legal if necessary for the legitimate performance of tasks covered by the competence of the particular recipient who can process the data only for the purposes for which the data were transmitted. The recipients are reminded accordingly.

Right of access and rectification:

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

Right of access: according to Article 13 of Regulation 45/2001, the data subjects have the right of access to the personal data that are processed by the institution, specifically:

- if data related to him or her are being processed

- information on the purposes of the processing operation
- categories of data concerned
- recipients or categories of recipients to whom the data are disclosed
- communication in an intelligible form of the data undergoing processing and their source
- logics involved in any automated decision process concerning him/her

The data subject shall always their right of access granted.

Right of rectification: according to Article 14 of Regulation 45/2001, the data subjects have the right of modification of any inaccurate or incomplete data.

Right of blocking: according to Article 15 of Regulation 45/2001, the data subjects have also the right to obtain from Data Controller blocking of their personal data when:

- they contest the accuracy of the data;
- the controller no longer needs them but they need to be maintained for purposes of proof;
- the processing is unlawful and the data subject requests blocking instead of erasure.

Personal data blocked shall only be processed for the purpose of proof (with the consent of the data subject) or for the protection of the rights of a third party.

Right of erasure: according to Article 16 of Regulation 45/2001, the data subjects can request the cancellation of their personal data if they consider that they are subject to an unlawful processing.

Right to object: according to Article 18 of Regulation 45/2001, the data subjects can object the processing of their personal data unless the processing is needed for the purposes of Article 5b) and d) of Regulation 45/2001:

- on legitimate grounds relating to their particular situation
- before their personal data are disclosed to third parties.

Article 20(1)(c) of Regulation 45/2001 states that the data controller may restrict access to the information/documents to safeguard:

- the prevention, investigation, detection and prosecution of criminal offences
- any important financial or economic interest of the Member States
- the protection of the data subject or the rights of freedoms of others
- the national security, public security or defence of the Member States
- the monitoring, inspection or regulatory task connected with the exercise of official authority.

Common steps for the exercise of any of the above mentioned rights: any request from a data subject concerning the rights above described should be addressed to the Controller through the following contact e-mail addresses:

Resources-Controller@f4e.europa.eu

DataProtectionOfficer@f4e.europa.eu

The Controller shall provide an answer to the data subject concerning his/her request on the exercise of his/her rights, as defined above, within 10 working days. Any contestation by the data subject to the Controller's reply shall be submitted within 10 working days of the response received and the Controller shall have another 10 working days to provide a replica revising his previous decision or confirming it.

The data subject may put in place the procedure established in article 90 of the Staff Regulations to contest any action of the data controller related to his/her rights.

All data subjects have also right of recourse at any time to the European Data Protection Supervisor: EDPS@edps.europa.eu. The EDPS receives complaints from EU staff members as well as from other people who feel that their personal data have been mishandled by a European institution or body. If a complaint is admissible, the EDPS usually carries out an inquiry. The findings are communicated to the complainant, and necessary measures are adopted.

In case of dispute, the competent forum to lodge an appeal is that of the Civil Service Tribunal, Rue du Fort Niedergrünwald, L-2925 Luxembourg.