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**F4E Document**

**Privacy Notice on Complaints Procedures**

Privacy Notice on Complaints Procedures

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**PRIVACY NOTICE ON PERSONAL DATA PROTECTION REGARDING  
Handling of complaints and requests under Article 90 and 24 of the Staff Regulations, as well as  
complaints addressed to the European Ombudsman and transmitted to F4E**

The objective of this Notice is to inform you about the collection and processing of your personal data 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 the management of the requests submitted under Articles 90(1) of the Staff Regulations to request F4E to adopt a decision; the management of the requests submitted under Article 24 of the Staff Regulations to request F4E to adopt a decision; the management of the complaints submitted under Article 90 (2) of the Staff regulations against a F4E's decision adversely affecting the data subject. And the management of the complaints addressed to the European Ombudsman and transmitted to F4E.

**Whose data are processed?**

**Requests under Article 90(1) of the Staff Regulations:**

Staff members, former staff members and those persons entitled under them in the event of death submitting a request under the Staff Regulations and Conditions of Employment of Other Servants (CEOS) Candidates to a selection organised by Fusion for Energy are also included.

**Requests for assistance under Article 24 of the Staff Regulations:**

Staff members, former staff members and those persons entitled under them in the event of death

submitting a request for assistance under the Staff Regulations and the CEOS.

### **Complaints under Article 90(2) of the Staff Regulations:**

Staff members, former staff members and those persons entitled under them in the event of death submitting a complaint under the Staff Regulations and the CEOS.

Candidates to a selection organised by Fusion for Energy are also included.

### **Complaints addressed to the European Ombudsman and transmitted to Fusion for Energy**

Any citizen or resident of the EU, or business, association, or other body with a registered office in the EU.

## **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 and/or other legal instrument adopted on the basis thereof or for compliance with a specific legal obligation F4E is subject to.

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;

Article 228 of the Treaty on the Functioning of the European Union (empowering the European Ombudsman to receive complaints concerning instances of maladministration in the activities of Union institutions, bodies, offices, and agencies);

Articles 90 and 24 of the Staff Regulations, as well as Articles 11, 46, 81 and 117 of the Conditions of employment of Other Servants;

Fusion for Energy’s [Guidelines](#) for submitting Requests

and Complaints referenced F4E\_D\_26LMR7.

## **3. Which data is F4E processing?**

### **(a) General personal data:**

#### **Requests under Article 90(1) of the Staff Regulations**

- Identity of the requester
- Purpose of the request. It can contain personal data referring to other people.
- Reasons why it is being submitted
- Place, date and signature
- Any document providing a better understanding of the issue

#### **Requests for assistance under Article 24 of the Staff Regulations**

- Identity of the requester
- Grounds and arguments on which the request for assistance is based. It can contain personal data referring to other people
- Place, date, signature
- Documents which assist the assessment of the request for assistance

### **Complaints under Article 90(2) of the Staff Regulations**

- Identity of the complainant
- Disputed act and purpose of the complaint
- Grounds and arguments on which the complaint is based. It can contain personal data referring to other people
- Place, date, signature
- Documents which assist the assessment of the complaint

### **Complaints addressed to the European Ombudsman and transmitted to Fusion for Energy**

In this case, it is the European Ombudsman who is transferring the complaint to the attention of Fusion for Energy so the latter cannot pre-determine the content.

### **(b) Sensitive personal data (Article 10)**

Any data that might be transmitted by the data subject related to sensitive issues as per article 10 of the Regulation 1725/2018.

## **4. Who has access to my data?**

The following people have access to your personal data:

- The responsible officer in charge of the registry of incoming mail within F4E (for the purpose of IDM registration)
- Human Resources officer in charge of the complaint/request
- Head of Human Resources Unit
- Head of Administration
- F4E Director
- Appointing Authority / Authority Responsible for Concluding Contracts of Employment
- Competent service in case feedback is required (only consulted on the part of the request/complaint which is deemed necessary and if relevant)
- IDM manager if necessary for support
- ICT officer if necessary for technical support
- External lawyer (in case F4E decides to use an external one for dealing with the complaint/request)
- European Ombudsman (if addressee of the complaint)

Also, only if appropriate and necessary for monitoring or inspection tasks, access may be given to: e.g. DPO and Anti-Fraud & Ethics Officer, Head and/or responsible officer at LSU, IAC, IDOC.

Internal recipients or and external lawyer who, in the framework of their duties, may be called upon to deal with complaints/requests are asked to sign a confidentiality statement.

#### 5. How long does F4E store my data?

The data is retained for 5 years following the introduction of a request/complaint according to Articles 90(1), 24, 90 (2) of the Staff Regulations or after the European Ombudsman has transmitted a complaint to Fusion for Energy.

In case of a dispute or a court procedure, the data will be kept during that procedure and 3 years after the case is completely closed, taking into account possible further consequences.

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

No

#### 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) and 17-23 of Regulation 2018/1725.

Any request to exercise one of those rights should be directed to the Controller ([f4e-complaints@f4e.europa.eu](mailto:f4e-complaints@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 [See Governing Board Decision of 9 December 2019<sup>2</sup>]. In that case, the data subject shall be informed of the principal reasons for applying such restrictions.

#### 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 of 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 that Regulation (Principle of Transparency).

<sup>2</sup> [O.J., 10.02.2020, L 37/18.](#)