

Specific Privacy Notice on personal data protection in relation to the Management of the Protocol on the Privileges and Immunities (PPI)

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 accreditate the staff members and their relatives with the Spanish or French Ministry of Foreign Affairs. And also to establish and manage the privileges/entitlements of each staff members: motor vehicle importation/registration/exportation, purchase of motor vehicle without taxes, VAT reimbursement on purchases of goods and furniture, removal from non-european country and request of Spanish driving licence.

Legal basis:

Protocol on the Privileges and Immunities of the European Union;

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) and the Conditions of Employment of Other Servants of the European Communities (CEOS);

Host Agreement between the Joint Undertaking and the Kingdom of Spain (28/06/2007);

Practical Guide for the Diplomatic Corps accredited in Spain issued and communicated by the Spanish Ministry of Foreign Affairs including all the Spanish legislation.

Lawfulness of the processing:

In accordance with Article 5 (a) and b) 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.

Categories of data:

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

Date when processing starts:

The processing starts on the date of taking up duties of the staff member.

Time limits for storage:

10 years following the termination of employment. As a principle, original documents are returned to the data subject as soon as recognition of their content has been made.

Transfer of data

The internal and the national authorities (Spanish for BCN staff and French authorities for Cadarache staff) 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 their data being processed by contacting the PPI officer of FMHSLO Unit or the Fusion for Energy Data Controller at any time.

Right of rectification: according to Article 14 of Regulation 45/2001, the data subjects have also a right to rectify their data that are inaccurate or incomplete by contacting the PPI officer of FMHSLO Unit or the Data Controller at any time.

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 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 from the data Controller if they consider that they are subject to an unlawful processing.

Right to object: according to Article 18 of Regulation 45/2001n 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.

Limitation:

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

- (a) the prevention, investigation, detection and prosecution of criminal offences;
- (b) any important financial or economic interest of the Member States or the Union;
- (c) the protection of the data subject or the rights of freedoms of others;
- (d) the national security, public security or defense of the Member States;
- (e) the monitoring, inspection or regulatory task connected with the exercise of official authority in cases referred to in (a) and (b).

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 address: Resources-Controller@f4e.europa.eu

The Controller shall execute any request for blocking or erasure as soon as possible and in any case not later than within 10 working days from the day the data subject's request reached F4E. He/she will notify this circumstance to the data subject by the same means of communications that the data subject chose to address him. In the case the data subject contests the accuracy of his/her data, the relevant data are blocked for a period necessary for verifying the accuracy and completeness of the data.

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.