

RECORD
of processing activity
according to Article 31 Regulation 2018/1725

NAME of data processing:

Claim assessment process regarding F4E contracts.

Evaluation and processing of the supporting documents and evidence of the claims issued by Contractors which include data of natural persons.

Last update: July 2021

1) Controller(s) of data processing operation (Article 31.1(a))
<ul style="list-style-type: none"> • Controller: Organisational entity of Fusion for Energy (F4E) <ul style="list-style-type: none"> ○ Unit / Department responsible for the processing activity: <i>Legal Service Unit</i> ○ Contact: <i>LSU-DP@f4e.europa.eu</i> • Data Protection Officer (DPO): DataProtectionOfficer@f4e.europa.eu
2) Who is actually conducting the processing? (Article 31.1(a))
<p>The data is processed by F4E (responsible unit) itself <input checked="" type="checkbox"/></p> <hr/> <p>The data is processed by a third party (e.g. contractor) (Art. 29 – Processor) : <input type="checkbox"/></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer):</p>
3) Purpose and Description of the processing (Article 31.1(b))
<p>3A) Purpose of the processing</p> <p>The data are collected and processed with the purpose to verify the entitlement of the Contractor to an alleged right, most of the cases related to a possible extension of time and/or additional payments. Some processing may also be necessary during the assessment of a claim/disputes under Article II.27 [Settlement of disputes].</p>

3B) Description of the processing

Pursuant to the applicable law of the Contract or to specific contractual provisions, if the Contractor considers itself to be entitled to any extension of time for completion and/or to an additional payment, the Contractor shall inform F4E and provide particulars for the claim relevant to the event or circumstance giving rise to the claim.

The Legal Service Unit will receive the Contractor's claims with all supporting particulars and will assess the Contractor's entitlement to any extension of time for completion and/or any additional payment. These supporting particulars could contain personal data of natural persons and the F4E dedicated staff will process these data only for the purpose for which they were transmitted, meaning for the assessment and establishment of the Contractor's entitlement.

4) Lawfulness of the processing (Article 5(a)–(d)):

Processing necessary for:

(a) performance of tasks in the public interest attributed by EU legislation (including management and functioning of F4E)

- 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 22 February 2021 (2021/281 Euratom), O.J. L 62, 23.02.2021, 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 22 February 2021, in particular Article 10 thereof;

(b) compliance with a *specific* legal obligation for F4E to process personal data

- F4E contracts; F4E reference for Templates **F4E_D_22KMCZ**
- Contractor's Claim Policy F4E reference **F4E_D_24FA2X**
- Contractor's Claims (SOP-97.2) F4E reference - F4E reference - **F4E_D_24DK92**;

(c) necessary for the performance of a contract with the data subject or to prepare such a contract

(d) Data subject has given consent (ex ante, freely given, specific, informed and unambiguous consent) (Art. 7)

5) Description of the data subjects (Article 31.1(c))

Data Subjects are the natural persons acting as Contractor's employees, the Sub-Contractor's employees or third economic operator's employees whose details are submitted as supporting documents for Contractor's claims

6) Categories of personal data processed (Article 31.1(c))

(a) **General personal data:**

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 of which fall within the Claims assessment process under F4E's contracts, 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's an illustrative listing without limitation to any others possible personal data which could be disclosed during the claims assessment process.

Thus, only relevant and necessary data for the claim assessment may be collected and further processed during claims assessment process. 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.

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

It is not the case to process sensitive personal data during the claims assessment process.

7) Recipient(s) of the data (Article 31.1 (d)) – Who has access to the personal data?

It is not necessary to mention entities that may have access in the course of a particular investigation (e.g. OLAF, Court, EDPS).

The following recipients have access to the personal data processed:

- F4E staff members from the Operational, Legal, Procurement and Finance involved in the areas concerning Claims assessment procedure regarding F4E contracts;
- Staff from the units entrusted with a monitoring or inspection task in application of European Union law (e.g. internal audit);
- Other staff member may be consulted if deemed necessary for a specific case;

- IDM Manager, if necessary for support,
- ICT Officer responsible for the dedicated database, if necessary for technical support.

Also, only if appropriate and necessary for monitoring or inspection tasks, access may be given to: e.g. F4E Director, Head of Admin., DPO and Anti-Fraud & Ethics Officer, Head or responsible officer of LSU, IAC, IAS, IDOC, ECA.

8) Transfers to third countries or International Organisations (Article 31.1 (e))

Data is transferred to third countries or International Organisations recipients:

Yes

No

If yes, specify to which country/IO:

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

If yes, specify under which safeguards and add reference :

- [Adequacy Decision \(from the Commission\)](#)
- Memorandum of Understanding between public authorities/bodies
- Standard Data Protection Clauses (from the EDPS/Commission)
- Corporate Rules
- Others, e.g. contractual/agreements (subject to authorisation by the EDPS)

Reference: *F4E-ITER IO Agreement on Data Protection*

9) Technical and organisational security measures (Articles 31.1(g) and 33)

Security measures are implemented to ensure integrity, confidentiality and availability of information. The default provisions include backups, centralized logging, software updates and continuous vulnerability assessment and follow-up. Specific provisions resulting from the characteristics of the information system may lead into the implementation of encryption, two-factor authentication among others found relevant following a risk analysis.

10) Retention time (Article 4(e))

Files including all the documents related to a claim procedure which could comprise personal data of Contractor's personnel should be kept up to 7 (seven) years after payment of the final instalment of the Contract Price. 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.

11) Information/Transparency (Articles 14 and 15)

Information to data subjects is provided at different stages of the life cycle of each F4E contract, in the respective **contractual provisions on data protection contained in the F4E contract and during the implementation of the F4E contracts** if procession of any personal data is required under the Contract (supporting documents for a detailed claim).

In addition, a Privacy Notice (F4E_D_2BMVNL) will be sent to the Contractor and to the members of the assessment on how personal data are processed during the claim assessment procedure.

(based on template F4E_D_2CLAA4 v1.9)
