



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

NAME of data processing:

Handling of the requests submitted under Articles 90(1) or 24 of the Staff Regulations.
Handling of the complaints submitted under Article 90(2) of the Staff Regulations.
Handling of the complaints addressed to the European Ombudsman and transmitted to Fusion for Energy.

Last update: March 2020

1) Controller(s) of data processing operation (Article 31.1(a))

- Controller: Organisational entity of Fusion for Energy (F4E)
 - Unit / Department **responsible** for the processing activity: HR Unit
 - Contact: f4e-complaints@f4e.europa.eu
- Data Protection Officer (DPO): DataProtectionOfficer@f4e.europa.eu

2) Who is actually conducting the processing? (Article 31.1(a))

The data is processed by F4E (responsible unit) itself

The data is processed by a third party (e.g. contractor) (Art. 29 – Processor) :

Contact point at external third party (e.g. Privacy/Data Protection Officer): in cases where F4E would use an external lawyer to deal with the request /complaint.

3) Purpose and Description of the processing (Article 31.1(b))

Why is the personal data being processed? Specify the underlying reason for the processing and what you intend to achieve. Describe, summarise the substance of the processing.

When you (later on) intend to further process the data for another purpose, please inform the Data Subject in advance.

- Management of the requests submitted under Articles 90(1) of the Staff Regulations to request F4E to adopt a decision.
- Management of the requests submitted under Article 24 of the Staff Regulations to request F4E to adopt a decision
- Management of the complaints submitted under Article 90 (2) of the Staff regulations against a F4E's decision adversely affecting the data subject.
- Complaints addressed to the European Ombudsman and transmitted to Fusion for Energy.

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

Mention the legal bases which justifies the processing

Processing necessary for:

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

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- 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;
 - 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.

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

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

Whose personal data is being 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.

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

Please give details in relation to (a) and (b). In case data categories differ between different categories of data subjects, please explain as well.

(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.

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

Recipients are all people to whom the personal data is disclosed (“need to know principle”). 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:

- 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
- Process owner: 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.

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

If the personal data is transferred outside the EU, this needs to be specifically mentioned, since it increases the risks of the processing operation (Article 47 ff.).

Data is transferred to third countries or International Organizations recipients:

Yes

No

If yes, specify to which country/IO:

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).....
- Binding Corporate Rules
- Others, e.g. contractual/agreements (subject to authorisation by the EDPS).....

Reference: Not Applicable

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

Please specify where the data is stored (paperwise and/or electronically) during and after the processing. Specify how it is protected ensuring “confidentiality, integrity and availability”. State in particular the “level of security ensured, appropriate to the risk”.

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))

How long is it necessary to retain the data and what is the justification for this retention period? If appropriate, differentiate between the categories of personal data. If the retention period is unknown, please indicate the criteria for determining it.

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.

11) Information/Transparency (Article 14-15)

Information shall be given in a concise, transparent and easily accessible form, using clear and plain language.

Regarding complaints linked to a selection process organised by Fusion for Energy:

A specific Privacy Notice ([F4E-D_2LMKFV](#)) is published on the F4E website, in the section dedicated to vacancies. It is addressed to candidates for selections organised by Fusion for Energy (and who may introduce a complaint in that respect).

Regarding complaints addressed to the European Ombudsman and transmitted to Fusion for Energy:

Candidates to selection processes are informed from Fusion for Energy website on the means to introduce a complaint to the European Ombudsman.

Staff members are also informed through the Guidelines for submitting Requests and Complaints (F4E_D_26LMR7) on the procedure for registration of the complaints introduced to the European

Ombudsman on the basis of 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) and transmitted to Fusion for Energy.

The Privacy Notice on complaints and requests submitted under Articles 24 and 90 of the Staff Regulations also states that the processing of personal data related to complaints addressed to the European Ombudsman is similar to the one applied for complaints submitted under Article 90(2) of the Staff Regulations.

Regarding other complaints and requests:

A specific Privacy Notice is published in the F4E intranet, regarding the handling of complaints and requests submitted under Articles 24 and 90 of the Staff Regulations, providing staff members with the information required under Regulation 2018/1725 on the protection of natural persons with regards to the processing of personal data by the EU institutions, bodies, offices and agencies.