



## **PRVACY NOTICE ON PERSONAL DATA PROTECTION REGARDING**

### **REPORTING OF SERIOUS IRREGULARITIES - F4E WHISTLEBLOWING GUIDELINES**

The objective of this Notice is to inform you, the data subject, about the processing and data protection safeguards put in place by F4E to make sure your personal data is well processed, in line with the applicable 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 whistleblowing procedure within F4E<sup>1</sup>, i.e. option 1 of the internal reporting of serious irregularities, including the reporting to the Chair of the GB, as well as possible requests for guidance. See Chart of reporting Channels attached to F4E Whistleblowing Guidelines.

Also covered is the processing of data within F4E, when OLAF contacts F4E requesting information.

<sup>1</sup> Not covered is the reporting directly to OLAF or other institutions. Once an Administrative Inquiry procedure is opened see separate F4E Privacy Notice.

The purpose of this procedure is to enable the reporting of "serious irregularities" (illegal activities including fraud, corruption and serious professional misconduct or wrongdoings) within F4E.

This requires establishing reporting channels for whistleblowers, managing and following-up reports, and ensuring protection and adequate remedies for whistleblowers.

The Guidelines set up procedures to be followed for reporting serious irregularities including what, when and to whom staff members should report.

All staff members of F4E covered by the Staff Regulations are covered, irrespective of their administrative position, as well as Seconded National Experts, trainees and interim staff if they make use of the F4E whistleblowing guidelines (hereafter referred to as "staff" or "staff member").

The data subjects usually include whistleblowers, witnesses, members of staff and the accused person(s).

## 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 or other legal instrument adopted on the basis thereof or in the legitimate exercise of official authority vested in F4E.

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;

Staff Regulations of Officials (SR) and the Conditions of Employment of Other Servants of the European Communities (CEOS), in particular **Article 22(a), (b) and (c) of the SR**.

F4E Anti-Fraud Strategy, see in particular its Action Plan, Governing Board Decision of 9th June 2015, F4E(15)-GB 32-15:

[[http://fusionforenergy.europa.eu/downloads/aboutf4e/meetings/F4E\(15\)-GB32-15-F4E\\_%20Anti-Fraud\\_Strategy.pdf](http://fusionforenergy.europa.eu/downloads/aboutf4e/meetings/F4E(15)-GB32-15-F4E_%20Anti-Fraud_Strategy.pdf)].

F4E Guidelines on Whistleblowing - Decision of the Administration and Management Committee (AMC) of 31.08.2018, including whistleblowing reporting channels. (F4E\_D\_2CBY2J).

F4E Procedural Whistleblowing Implementation (F4E\_D\_275HZE).

*Fusion for Energy (F4E)*, Decision concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Community interests [Governing Board Decision of 28.6.2007, F4E(07)-GB01-04.5.]

## 3. Which data is F4E processing?

The personal data processed are contained in the report submitted by the whistleblower and any

subsequent document drawn up in response to that initial report. These documents may in particular contain names, contact details, and other personal data.

The data must be necessary to comply with the performance obligations according to Art. 22 a) - c) SR. If the report contains personal information that is clearly not relevant for examining the issues raised in the report, the information will be erased as soon as possible, after consulting the whistleblower to the extent that this is possible without the substantive examination being unduly delayed.

F4E seeks to protect the identity of whistleblowers and the confidentiality of the report received, as well as the identity of all other persons involved.

When OLAF requests data in order to decide whether to investigate or not, the personal data processed depends on what OLAF is asking F4E (i.e., the F4E OLAF and Ethics Officer).

## 4. To whom are my data disclosed?

The general rule is: **ONLY strict need-to-know principle**, thus your personal data will only be disclosed if it is necessary in order to examine the particular whistleblowing case, or to provide requested information to OLAF.

The recipient(s) in particular depend(s) on the substance of the report and on the respective reporting channel chosen by the whistleblower.

Subject to the above, the following recipients may have access to the personal data processed, e.g.:

- Director and person(s) he authorises to assist him in examining the whistleblowing report
- OLAF & Ethics Officer
- Head of Admin
- Head of HR Unit
- HR Unit (responsible person, if needed)
- Chair of the GB
- ICT Officer responsible for the dedicated database, if necessary for technical support,
- IDM Manager, if necessary for support.

Also, if appropriate and necessary, for monitoring or inspection tasks, access may be granted to:

- Head of the Legal Service Unit, and/or responsible Legal Officer
- IAC / IDOC

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

Files which do not lead to the opening of an administrative inquiry, i.e. which relate to alerts found to be unsubstantiated by F4E or by OLAF, should be deleted without delay from the date on which F4E or OLAF decides to close the file without follow up and at the latest two months after such decision.

Files on the basis of which an administrative inquiry or disciplinary procedure are opened are kept in line with the retention periods foreseen for those files in the respective procedures.

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

Your personal data will not be transferred to third countries or International Organizations.

However it may be transferred to the competent national authorities.

In case data are transferred to the competent national authorities such as a national Court where there is an infringement of national law: if data are transferred at the request of a national authority, it must establish the 'necessity' for the transfer. If, on the other hand, data are transferred on the sole initiative of F4E, it will be for the latter to establish the 'necessity' for the transfer in a reasoned decision.

#### 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, (OLAF and Ethics Officer, Ethics.Officer@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.

#### 8. Contact details of the Data Protection Officer

You may contact the Data Protection Officer (DPO) of F4E (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 to have 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>i</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 this Regulation (Principle of Transparency).