



**PRIVACY NOTICE ON PERSONAL DATA PROTECTION REGARDING CONTRACT IMPLEMENTATION,
 (EXCLUDING PROCESSING DURING CLAIMS ASSESSMENT)**

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 2018/1725¹.

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**1. Why does F4E process my personal data?
 Whose data is processed?**

The personal data is processed in order to support Procurement Contract/Grant Agreement implementation (hereafter 'Contract implementation'). This includes processing during:

- Cost and performance control during Contract implementation. This processing is necessary to monitor the number of working hours spent by Contractors' staff, to perform cost and productivity control, and to assess Contract changes (for example when substantiations are requested for reconciliation of expenses);
- Evaluation of specific Contracts under framework with the purpose of selecting/indicating/identifying contractor's resources which will perform specific tasks;

- Processing occurring as part of the Supplier Audits and/or Supply Chain Supervisions carried out by the Quality Assurance Unit;
- Any other aspects of Contract implementation that require personal data processing.

The data processed concerns personal data of Contractor's employees, Sub-Contractor's employees or other third economic operator's employees (e.g. service companies, suppliers, etc) whose details are submitted in support of the substantiation of Contractor's costs and performance and of other aspects of Contract implementation requiring the processing of personal data.

A separate privacy notice ([F4E_D_2ANX4Q](#)) covers personal data collection and processing prior to Contract signature. Some processing may also be necessary in preparation of claims/disputes. Two separate privacy

¹ 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).

notices ([F4E_D_2BMVNL](#) & [F4E_D_29XM5Y](#)) cover personal data collection and processing during the claim/dispute process.

For the execution of financial transactions, personal data is further processed through the Accrual Based Accounting System (ABAC) which is a system ran by DG Budget. F4E and DG Budget act as joint-controllers and any requests should first be directed at F4E. The Privacy Notice held by DG Budget can be found [here](#).

Furthermore, in the context of contract amendments, and in line with F4E's [Financial Regulation \(art. 31\)](#), information on recipients of funds financed from the budget of F4E shall be published having due regard for the requirements of confidentiality and security, in particular the protection of personal data: the name of the recipient; the locality of the recipient; the amount legally committed and the nature and purpose of the measure. The name of the recipient can be Personal Data in the case of legal persons whose name identifies one or more natural persons. According to the threshold [from Directive 2014/24/EU](#) as referred to in [the General Financial Regulation](#), the aforementioned data will be published in the Official Journal of the European Union and/or on F4E's publicly accessible Industry Portal. Where personal data are published, this personal data shall be removed two years after the end of the financial year in which the funds were awarded.

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 instrumenta, and other legal instruments adopted on the basis thereof, and 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;
- [F4E Financial Regulation](#), entered into force on 1 January 2020.

3. Which data is F4E processing?

Personal data shall mean any information relating to an identified (directly or indirectly) or identifiable natural

person which is collected and processed within the relevant implementation processes, such as:

- Name, personal numbers or other identifiers of general application, contact details (company and department, postal address, country of residence, business telephone number, mobile telephone number, fax number, e-mail address and internet address), signature;
- Professional and education information: CV's – work experience/employment history, education, training and academic background, personal skills and competences (language, technical skills);
- Functions, working hours, working place, salaries, time sheets, and other personal data provided under the Contract with the purpose of substantiating cost and performance elements.
- Legal Entity File (LEF) and Bank Account File (BAF) (processed through ABAC in the case of financial transactions).

The above is an illustrative listing without limitation to any other possible personal data disclosed by the Contractor during Contract implementation.

4. To whom are my data disclosed?

The following people may have access to your personal data:

- F4E staff members in charge of commercial cost and performance control activities for the Contract or who may be consulted if deemed necessary for a specific case during Contract implementation;
- If necessary for monitoring, evaluation or inspection tasks: F4E Contract implementation process owners, Heads of Units/Departments responsible for Contract implementation;
- If necessary for supporting and data analysis tasks: members of the F4E team, who are not F4E staff, acting as Support to the Owner and involved in the cost and performance control process and who can thus act as processors;
- In the case of a Supplier Audit: staff from the Quality Assurance Unit, relevant staff from the PM Department, the affected Programme team and all certified auditors within F4E;
- In the case of Supply Chain Supervisions: staff from the Quality Assurance Unit and the affected Programme team;
- For all Personal Data further processed through ABAC:
 - o All F4E staff on the financial circuit have access to the data on ABAC. The extent of this access depends on the access rights which are set on a strict need to know basis. A list of specific access rights can be obtained by contacting F4E Local Authorisation

Manager (LAM) by addressing
Commercial-Department-
Controller@f4e.europa.eu;

- On the side of DG Budget the relevant recipients are described in DG Budget's Data Protection record.
- IDM Manager, if necessary for support;
- ICT Officer responsible for the dedicated database, when asked to provide technical support.

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

Director of F4E; Head of Admin; Head of the Legal Service Unit, and/or responsible Legal Officer; F4E Data Protection Officer and Anti-Fraud & Ethics Officer; IAC / IDOC.

5. How long does F4E store my data?

Documents related to the relevant implementation processes (excluding Supplier Audits and Supervisions) which may contain personal data of Contractor's and third party organization's employees shall be stored for no more than 7 (seven) years after payment of the last invoice/cost claim of the Contract.

For Supplier Audits the retention period is 10 (ten) years after payment of the last instalment of the Contract.

Personal Data Processed as part of the Supply Chain Supervisions can be retained for the entire duration of F4E's activities.

In accordance with the [record](#) held by DGBudget, Personal Data further processed through ABAC might be retained by DGBudget for up to ten (10) years after the last transaction.

Where personal data are published in the Official Journal of the European Union and/or on F4E's publicly accessible Industry Portal as described in section 1, this personal data shall be removed two years after the end of the financial year in which the funds were awarded.

Documents may be retained until the end of a possible audit (other than the aforementioned audit) or Court Proceeding if one started before the end of the above period. In case files are selected for preservation, personal data will be removed through appropriate anonymisation.

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

Staff of the ITER International Organisation (IO) may be involved in F4E's Contract implementation and there fore could exceptionally be involved in the processing of personal data during the implementation of F4E's Contracts.

Reference: ITER IO is bound by its corporate rules approved in ITER IDM on 7th November 2017 under ref. UXG6V6 [Data Protection Guidelines].

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: the F4E Commercial Department:

Commercial-Department-Controller@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: [O.J., 10.02.2020, L 37/18](#)]. 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) with regard to issues related to the processing of your personal data under Regulation 2018/1725.

Fusion for Energy
C/ Josep Pla, nº 2,
Torres Diagonal Litoral, B3
08019 Barcelona.
Spain.

9. Right of recourse

You have the right of recourse to the European Data Protection Supervisor (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 F4

May 2020.