

PRIVACY NOTICE ON PERSONAL DATA PROTECTION
Regarding Processing Personal Data During Procurement and Grant Procedures

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 are collected and processed with the purpose to evaluate the eligibility of economic operators to participate in the procurement/grant procedure in accordance with exclusion and selection criteria, and/or to evaluate the content of tenders/proposals submitted during the procurement/grant procedure against the award criteria with the view to award the contract/grant agreement. This personal data processing starts with the submission of a tender/proposal/application and ends with the signature of a contract/grant agreement.

The personal data processed concerns personal data of natural persons associated with the candidate/tenderer/applicant entities (including their staff and subcontractors), whose details are submitted in

tender/proposal and related documents in view of participating in procurement/grant procedures.

The processing of personal data as part of contract/grant implementation is covered by a separate privacy notice ([F4E_D_2GBPFE](#)). Some processing may also be necessary in preparation of the assessment of Contract claims/disputes, in order to prepare F4E's position with respect to the potential claim/dispute. Two separate privacy notices ([F4E_D_2BMVNL](#) & [F4E_D_29XM5Y](#)) covers data processing during the claim/dispute process.

In order to prepare and execute budgetary and legal commitments, personal data is further processed through the Acrual 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](#). Where tenders/application are submitted through EU-Supply, Personal Data processed through the EU-Supply application (Called "CTM") is

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).

moreover covered by the privacy policy held by the EU Supply PLC group ([EU Supply Privacy Notice](#)).

Furthermore, in the context of the contract award, 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. Depending on the instrument and the thresholds 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 instrument or other legal instrument adopted on the basis thereof or for compliance with a specific legal obligation F4E is subject to.

It is based on:

- Council Decision No 2007/198 (Euratom) of 27 March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it, as last amended by Council Decision 2015/224 (Euratom) of 10 February 2015, in particular Article 6 thereof;

- Fusion for Energy Statutes annexed to the Council Decision No 198/2007 (Euratom) of 27 March 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;

- Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council;

- [Financial Regulation of Fusion for Energy, adopted by the Fusion for Energy Governing Board on 10 December 2019](#);

- Regulation (EU, Euratom) No 2018/1046 of European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, in particular Articles 167, 196 and 237 thereof;

3. [Which data is F4E processing?](#)

a) **General personal data:**

The following data categories may be processed within procurement/grant award procedures at F4E:

- Name, date of birth, gender, nationality, function, 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;
- Certificates for social security contributions and taxes paid;
- Extracts from judicial records;
- Bank account references (account number, name of the account holder, address of the bank, IBAN and BIC codes);
- Passport/ID number; VAT number; membership in a trade or professional organisation;
- Professional and education information: CV's – work experience/employment history, education, training and academic background, personal skills and competences (language, technical skills);
- Declaration of honour that the tenderer/applicant is not in one of the exclusion situation referred to in Articles 83 and 94 of F4E Financial Regulation (in relation with Art. 128 F4E Implementing Rules);
- Other personal data contained in the tender/application (credentials).

4. [To whom are my data disclosed?](#)

The following people can have access to your personal data:

- F4E Staff from the operational, procurement, financial and/or legal groups participating in the management of the selection of candidates/contractors/beneficiaries;
- External experts and contractors participating in the evaluation of tenders/applications when external expertise is required;
- The relevant authorising officer;

- The members of the F4E Internal Review Panel (established by Decision of the Director, 15 July 2011) to review the correctness of contracts and grants procedural aspects above a set threshold);
- The members and chair of the F4E Procurement and Contract Committee, approving the award of contracts and grants above certain thresholds;
- Members and chair of the Governing Board, consisting of representatives from all the members of F4E who are responsible for taking a number of important decisions and supervising its activities, including approval of the award of the contracts and grants;
- F4E IT staff, only when requested to provide technical support;
- 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;
 - o On the side of DG Budget the relevant recipients are described in [DG Budget's](#) Privacy Notice.

Also, if appropriate and necessary for monitoring or inspection tasks, access may be given to: e.g. F4E Director, Head of Administration, F4E Data Protection Officer and Anti-Fraud & Ethics Officer, Head or responsible officer of the Legal Service Unit, IAC, IDOC.

5. [How long does F4E store my data?](#)

Documents related to the procurement and grant processes 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 final instalment of the Contract. Personal Data provided as part of tenders that are subsequently rejected shall be stored for no more than 5 (five) years after the tender has been rejected.

In accordance with the [record](#) held by DG Budget, Personal Data further processed through ABAC might be retained by DG Budget 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 or Court Proceeding if one started before the end of the above period.

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 Procurement activities and therefore 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, 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, n° 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 F4E.

May 2020.