



## **PRIVACY NOTICE ON PERSONAL DATA PROTECTION REGARDING PROCESSING OF PERSONAL DATA REGARDING THE MANAGEMENT OF COVID-19 CASES**

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 2018/1725<sup>1</sup>.

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

The objective of the processing of personal data is to guarantee the continuity of the service in case of a suspected / confirmed COVID-19 case within the organisation, as well as ensure public health and protect F4E staff and externals by limiting the spread of the COVID-19.

“Externals” mean all persons working for F4E at F4E premises whose relationship with F4E is not governed by the Staff Regulations / CEOS staff (eg. Temporary agency workers, contractors staff, SNEs, trainees, etc.) who have access to F4E premises at any of its locations, work on site, are in physical contact with F4E staff).

The general principles of necessity and proportionality still apply when F4E exercises its duty of care for staff. F4E is accountable for necessity and proportionality and limits its processing to what is necessary.

#### **Management of COVID-19 cases**

According to the protocol for the management of COVID-19 cases (F4E\_D\_2L9MWP), F4E staff and externals are requested to inform the F4E Medical Advisor of their COVID-19 related symptoms or diagnose. The Medical Advisor will collect the necessary health data from the data subject (e.g. symptoms, specific health conditions, test results) in order to provide adequate medical advice and recommend appropriate H&S measures. The concerned staff member or external will also inform the Medical Advisor about any close contact with other F4E employees so that they can be duly informed.

In case the concerned staff member or external was in close contact with other F4E employees prior to the start of the symptoms or positive diagnose, the Medical Advisor will communicate the close contacts they must remain at home and inform the health authorities about their situation (if the concerned staff member or external has already been tested positive) or wait until the outcome of the test (if the concerned staff member or external has COVID-19 symptoms).

In particular, the Medical Advisor will email those F4E staff members and externals who have had contact with the person tested positive or with COVID-19 symptoms, requesting them to continue / arrange teleworking and contact the health authorities. Close contacts will inform their line managers about the request from the Medical Advisor to work from home.

The H&S Coordinator will be informed of the work-related close contacts in order to investigate any eventual breach of the H&S measures in place, check possible gaps in the measures, adopt new H&S measures or modify the existing ones.

The Medical Advisor will inform the H&S Coordinator of the number of COVID-19 cases in F4E without disclosing any names or medical data.

In the event a confirmed case does not / cannot provide sufficient or reliable information to the F4E Medical Advisor on work-related close contacts or presence in the premises, the Medical Advisor could disclose the name of the infected person under the need to know principle in order to trace possible close contacts and for public health reasons. In such case, the infected person will be previously informed that its name will be disclosed solely for the prevention and control of COVID-19 within the organisation. In accordance with art. 5.1 (a) and (e) of Regulation 2018/1725 the processing of data without consent is lawful where it is necessary for the performance of a task carried out in the public interest or to protect the vital interests of the data subject or of another natural person.

In case the Medical Advisor decides so, CSU will collect and disclose him/her the names of F4E staff members and externals who have been in certain areas of F4E premises in order to trace those persons who might have had contact with an infected person. The data protection rules concerning the use of cameras within F4E buildings are contained in the Privacy Notice concerning video-surveillance (F4E\_D\_2A2GJP).

## 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 and/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 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;
- Protocol for the management of suspected and confirmed COVID-19 cases at F4E (F4E\_D\_2L9MWP)

## 3. Which data is F4E processing?

### (a) General personal data:

Name of the staff members or externals with COVID-19 symptoms or tested positive, unit / team, place of employment, date of presence and exact location within F4E premises and name/s of the colleagues in close contact prior to the symptoms or diagnose.

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

COVID-19 symptoms, positive diagnose by an external doctor, current health conditions or pathologies.

## 4. Who has access to my data?

The following people have access to your personal data:

### Medical data:

- F4E Medical Advisor (Gabinete SME; see their privacy policy <https://www.gsmep.com/es/aviso-legal/>)
- F4E Nurse (Gabinete SME), who belongs to F4E's medical service and provides support to the Medical Advisor

### Administrative data:

- F4E Medical Advisor
- F4E Nurse
- H&S Coordinator, when informed of work-related close contacts
- Line Manager of the staff member in close contact with a confirmed / suspected case and requested to work from home
- HoU/responsible officer(s) in Corporate Service Unit (CSU), Security Officer, when requested to trace the presence of staff members or externals in the premises
- IDM Manager, if necessary for support
- ICT Officer, if necessary for 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?

F4E will keep the personal data processed for no longer than and for what the purposes described in section 1 require. F4E will delete the data once no longer necessary and when the situation of the COVID-19 pandemic allows so, unless it is required to keep the data further for reasons of public health protection.

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

F4E intends to transfer the personal data to ITER Organization, if necessary.

If personnel are or have been present at the ITER Site in Cadarache, France, in order to coordinate the contractors' efforts in line with the French Government recommendations, F4E may - out of urgency and under exceptional circumstances - need for public health reasons transfer personal data to the ITER IO, who is in direct contract with French national authorities: IO Data Protection Guidelines (ITER\_IDM\_UXG6V6) and IO

SHS Data Protection Guidelines (ITER\_IDM\_WT7JUL).

#### 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 ([h&sdataprotection@f4e.europa.eu](mailto:h&sdataprotection@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<sup>2</sup>]. 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](mailto:DataProtectionOfficer@f4e.europa.eu)) with regard to issues related to the processing of your personal data under Regulation 2018/1725.

#### 9. Right to lodge a complaint

You have the right to lodge a complaint 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.

March 2021

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<sup>1</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 that Regulation (Principle of Transparency).

<sup>2</sup> [O.J., 10.02.2020, L 37/18.](#)