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DATA PROTECTION NOTICE

ERCEA Department B – Integrity Standing Committee

ERC Procedure to deal with scientific misconduct and other breaches of research integrity

This notice concerns the processing operation called "ERC Procedure to deal with information on scientific misconduct and other breaches of research integrity". This processing requires the handling of personal data and is therefore subject to Regulation (EU) 2018/1725 (Data protection regulation)¹.

1. What personal information do we collect, from where and for what purpose?

1.a) Personal data

Data subjects are the parties allegedly involved in the possible scientific misconduct and the informant(s), which could be ERCEA staff, member of the Scientific Council (ScC), panel members and other independent experts, applicants, beneficiaries, principal investigators, team members or any third parties concerned, including anonymous information.

Personal data processed by the ERCEA are the identity (if known) and contact details of the informant and parties (data subjects) allegedly involved in possible scientific misconduct, as well as additional data depending on the case, such as proposals submitted to ERC Calls, educational and professional path– including the relevant supporting documents (i.e. CV, certificates, diplomas), publications or other data related to the allegations. The information processed relates to the different forms of scientific misconduct and may vary on a case-by-case basis. Only data relevant to the specific case is retained.

1.b) Purposes of the processing

The purposes of the processing of data are to avoid that scientific misconduct jeopardises the standard values of the scientific research and to safeguard the reputation of the scientists involved, as well as of the institutions funding or hosting these scientists. Allegations of scientific

¹ REGULATION (EU) 2018/1725 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

misconduct may affect proposals submitted to the ERC or projects financed by an ERC grant and/or experts involved in the evaluation process.

Allegations may concern any person involved in a proposal or project's life cycle, regardless of their functions, such as for example, applicant PIs (during the evaluation selection or grant award procedures), grant beneficiaries and PIs or their research team members (during both the implementation and/or project follow-up) or independent experts (during the evaluation selection and project implementation procedure).

In the framework of this activity, the processing of personal data is finalised to clarify whether scientific misconduct occurred in such situations, among others: (1) falsification or fabrication of data or documents by applicants or beneficiaries when proposing, conducting or publishing research, plagiarism, unauthorised appropriation of authorship, misattribution of authorship, unauthorised exploitation of the ideas of others, breach of confidentiality rules; (2) Elimination of primary data or non-elimination of data; (3) Inappropriate research methods, non-compliance with ethical standards of the profession the concerned person belongs to; (4) Sabotage of research activities; (5) Unauthorized exploitation or communication of data or insights gained from accessing or reviewing confidential materials; (6) undisclosed Col; (7) Double funding; (8) Misrepresentation of information required as a condition to participate to the call for proposals, grant award procedure or contract, or failing to supply that information (e.g. lack of written consent to participate in the project of all the participants mentioned in the proposal); (9) Any form of harassment and abuse that undermines the workplace; (10) Any breach of good research practice and procedure; (11) Any contact between applicants and experts pending the evaluation of the proposal and the grant award procedure, including attempting to influence the decision-making process of the authorising officer responsible during the award procedure.

Financial irregularities or potential fraud detected under this procedure will be handled by the ERCEA dedicated services.

Cases of scientific misconduct will be reported in an anonymous manner in the ERCEA Annual Activity Report and in the ERC Scientific Council Annual Report.

1.c) From where the data is collected

Data will be collected from the allegations received by the ERCEA in addition to the data present in the proposals submitted to the ERC and/or projects financed by an ERC grant.

Only data relevant for the specific case and considered within the scope of the mentioned procedure is processed. Any allegations will be analysed and handled with the utmost confidentiality.

2. Who has access to your information and to whom is it disclosed?

Your data may be accessed and processed by the members of the Integrity Standing Committee (ISC) and the Conflict of Interests, Scientific Misconduct and Ethical Issues standing committee (CoIME), other duly authorised ERCEA and Commission staff, the ERC Scientific Council, and the ERCEA local system administrator. Appointed external independent experts may cooperate with ERCEA for assessing the misconduct file.

The person allegedly having acted in scientific misconduct has access to the information provided by the informant, however not to his/her name or to any element that would allow his/her identification.

There are appropriate specific access rights and controls following the "need to know" principle. Any electronic information is stored in a database that resides on the servers of the ERCEA and the European Commission the operations of which abide by the European Commission's security

decisions and provisions established by the Directorate of Security for this kind of servers and services.

Data on scientific misconduct cases are recorded in the ARES, as files with restricted access.

Paper files, if any, are stored in a safe box with restricted access.

In addition, certain administrative details may be disclosed, in compliance with the relevant current legislation and established case law, and on a temporary basis to legislative or supervisory bodies of the ERCEA, as well as auditing bodies.

Any such transmission will be restricted to the information necessary for the competent entity to carry out its task and the processing of those data by those authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

3. What are your rights?

You have the right to access the personal data the ERCEA holds about you and to request to have them rectified where necessary. Where applicable, you have the right to request restriction or to object to processing, to request a copy or erasure of your personal data held by the data controller. However, the data on which the allegations are based cannot be correct or erased.

Under the provisions of the data protection regulation, you also have the right to have your data erased, the right to object to processing, to request the restriction of the processing of your personal data and the right to data portability.

Prior to taking any step, the party/ies concerned will be informed and heard; they are invited to comment on the alleged facts in written format by means of a pre-information letter or prior contact.

If you would like to access, verify, correct or delete any personal data, you can apply to the Chair of the ISC, who is responsible for such processing (i.e. the Controller), by sending an e-mail giving details of your request to the mailbox indicated in point 6.

Access to certain data, such as the identity of the whistle-blower or specific details of the case, may be restricted due to reasons of protecting the rights and freedoms of others as well as the interest of the European institutions during the investigation of the case.

To exercise any of these rights, you should apply to the Head of Department B – Chair of the Integrity Standing Committee, who is responsible for such processing (i.e., the Controller), by sending an e-mail specifying your request to the mailbox indicated in point 5. Please note that in some cases restrictions under the terms and conditions of Article 25 of the Data protection regulation may apply.

4. How long do we keep your data?

The records of scientific misconduct cases will be maintained in the ERCEA ARES archive system, and with access restricted to ERCEA staff members dealing with the allegations.

In line with the Commission's Common Retention List SEC(2019)900/2, the ERCEA applies the periods of retention of documents defined by the Commission's Common Retention List SEC(2019)900/2 regarding the retention period for operational purposes.

The retention period for detection of plagiarism or other scientific misconduct or breaches of research integrity purpose is 15 years from the submission of the application.

The personal data contained in the allegations received by email, which are immediately not considered relevant, are automatically deleted after 6 months.

It may occur that initially dismissed allegations are revisited in light of new elements. Depending on the outcome of these further analyses, the retention period is extended beyond six months.

If the information is registered in the Early Detection and Exclusion System (EDES), the applicable data retention periods as foreseen in the EDES Decision are followed.

The records of no scientific misconduct cases are kept only until absence of scientific misconduct has been declared.

5. Contact information

If you would like to receive further information, you can contact the responsible person (the Data Controller), Head of Department B – Chair of the Integrity Standing Committee via the mailbox: ERC-INTEGRITY@ec.europa.eu

The ERCEA Data Protection Officer is at your disposal for any clarification you might need on your rights under Regulation (EU) 2018/1725 at the following e-mail address:

ERC-DATA-PROTECTION@ec.europa.eu

You have the right to have recourse (i.e. you can lodge a complaint) 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 the Data Controller.

6. Legal basis

The legal basis applying to these processing operations are:

- Article 136 of Regulation (EU, Euratom) 2018/1046 of the 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;
- Article 19 of Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013;
- Article 8 of Council Decision (EU) 2021/764 of 10 May 2021 establishing the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation, and repealing Decision 2013/743/EU;
- Section 3.11 of the ERC Rules of Submission and Evaluation under Horizon Europe
- Regulation (EU) No 1291/2013 of the European Parliament and the Council of 11 December 2013 establishing Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020), Articles 19 and 30; Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013), Articles 5 and 6;
- Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for the participation and dissemination in 'Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020)', Article 13(3) and 18(5);
- Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union

ERCEA Documentation of Procedures and repealing Council Regulation (EC, Euratom) No 1605/2002, Articles 32 (2) (d), 66 (8) and Article 131(4) in conjunction with Article 106(1), 107(1) and 109;

- Commission Decision C(2014)2454 of 15 April 2014 adopting ERC Rules for the submission of proposals and the related evaluation, selection and award procedures relevant to the Specific Programme of Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020), sections 3.7 and 3.11;
- Commission Decision C(2013)9428 of 20 December 2013 on delegating powers to the European Research Council Executive Agency with a view to performance of tasks linked to the implementation of Union programmes in the field of frontier research comprising, in particular, implementation of appropriations entered in the general budget of the Union, Article 18;
- Decision of the Steering Committee of the ERCEA of 18 February 2009 concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests;
- Commission Decision C (2011)7216 of 5 October 2011 adopting model appointment letters for the independent experts participating to the peer review evaluation of proposals to the European Research Council (ERC) under the Ideas Specific Programme implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) including the Code of conduct for independent experts in peer review evaluations and scientific follow up;
- Commission Decision C(2013)8373 of 10 December 2013 on the model contracts for experts for Horizon 2020 – The Framework Programme for Research and Innovation of the European Union (2014-2020), Research and Training Programme of the European Atomic Energy Community (2014-2018) and the Research Fund for Coal and Steel Programme, including the Code of conduct attached in Annex 1 to the model contract for experts for Horizon 2020;
- FP7 ERC Model Grant Agreement;
- H2020 ERC Model Grant Agreement, in particular, Article 34(1)(a) and 34(4) on the compliance with research integrity and consequences of non-compliance;
- Horizon Europe ERC Model Grant Agreement;
- Regulation (EC) No 2018/1725 of 23 October 2018 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data;
- Commission Decision C(2016)769 of 12 February 2016 on the Detection and Exclusion System (EDES) and ERCEA Early Detection and Exclusion System (EDES) Procedure of 25 November 2016; ERCEA Documentation of Procedures
- The European Charter for Researchers;
- The Horizon Europe submission forms foresee a declaration to be provided by the applicant to confirm that the proposal complies with ethical principles (including the highest standards of research integrity — as set out, for instance, in the European Code of Conduct for Research Integrity — and including, in particular, avoiding fabrication, falsification, plagiarism or other research misconduct).