



Brussels, September 2011  
ERCEA

## SPECIFIC PRIVACY STATEMENT

### "Exclusion of Independent Experts by Applicants"

This statement concerns the processing operation called **"Exclusion of Independent Experts by Applicants"**. This processing requires the handling of personal data, and is therefore subject to Regulation (EC) No 45/2001<sup>1</sup>.

#### 1. What personal information do we collect, for what purpose and by what means?

Commission Decision 2010/767/EU of 9 December 2010<sup>2</sup> foresees the possibility for applicants submitting project proposals to request that a specific person would not act as peer reviewer in the evaluation of their proposal. This request has to be accompanied by specific reasons based on clear grounds. The Decision at footnote 6 lists the following:

- Direct Scientific Rivalry;
- Professional Hostility;
- Similar situation which would impair or put in doubt the objectivity of the potential evaluator.

The **experts' data** which are meant to be collected and further processed (via the EPSS<sup>3</sup> and the suite of local applications) are:

- Name of the expert(s)
- Research Institute/University/Employer
- Ground and specific reasons referred to by the applicant's request for exclusion. The applicants will chose the relevant prefixed item(s).

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<sup>1</sup> Regulation (EC) 45/2001 of the European Parliament and of the Council 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, OJ L 8, 12.1.2001, p. 1.

<sup>2</sup> Commission Decision 2010/767/EU of 9 December 2010 amending Decision C(2007) 2286 on the adoption of ERC Rules for the submission of proposals and the related evaluation, selection and award procedures for indirect actions under the Ideas Specific Programme of the Seventh Framework Programme (2007 to 2013), OJ L 327, 11.12.2010, p. 51-70

<sup>3</sup> The Electronic Proposal Submission Service (EPSS) is an internet-based application providing a secure work space for a consortium to prepare and submit a proposal jointly. It is under the control of the Commission, and notified in the framework of Commission front-end and back-office notifications DPO-978 and DPO-2382 DPO (in the Commission DPO Register)

The purpose of the processing is to guarantee a fair, equal and objective assessment of project proposals, and neutralize applicants' concerns on the correctness of the evaluation outcome and the objectivity of experts.

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

The information are accessed by the authorised staff of ERCEA Departments B and C (mainly Scientific Officers), authorised staff of the Commission, and the competent Panel Chair.

In addition, some personal data may be disclosed, in compliance with the relevant current legislation and established case law, and on a temporary basis to: (a) the General Court or the Court of Justice, at their request; (b) the Ombudsman, at his request; (c) the European Data Protection Supervisor, at his request; (d) the audit and control bodies such as OLAF, Court of Auditors, ERCEA Internal Audit Office, the Internal Audit Service.

## **3. How do we protect and safeguard your information?**

Data are accessed and processed only by authorised staff. The EPSS (Electronic Proposal Submission Service) it is under the control of the European Commission, and it is designed as internet-based application offering a secure work-space, thanks to login password access and specific policy for issuing the access. As regards the other electronic tools in use at ERCEA (WET and suite of local applications), similar access policy and restricted activation of accounts is implemented.

## **4. How can you access, verify, rectify or delete your data?**

The expert's right to know about their own exclusion (or request for exclusion) from an evaluation will be guaranteed as follow:

- (i) the concerned member of a Panel is informed by the relevant Panel Chair on a bilateral ground - with the presence of an ERCEA agent;
- (ii) any expert may ask to the ERCEA to get information regarding him/her, upon closure of the evaluation exercise. However, the expert may experience a limitation to his/her right of access, ex article 20(1)(c) of Reg. 45/2001, namely in cases of serious scientific rivalry or strong professional hostility. This will have to be handled case by case<sup>4</sup>.
- (iii) The expert's right to rectify information kept by ERCEA can be exercised after closure of the whole proposals evaluation exercise: upon his/her acknowledgement of the information regarding him/her kept by ERCEA, the expert can send to ERCEA a statement balancing the subjective appreciation by applicant(s).

If you want to access, verify, rectify or delete any personal data, you should apply to the Head of Department B, who is responsible for such processing (i.e. the Co-Controller with ERCEA Director), by sending an e-mail giving details of your request to the mailbox indicated in point 6.

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<sup>4</sup> If a restriction is imposed the experts concerned are informed of the principal reasons on which the application of the restriction is based and of their right of recourse to the European Data Protection Supervisor (EDPS).

Please be aware of the following:

- The public access to the experts' data is not allowed as the privacy and integrity of the individual would be undermined (e.g. professional reputation and reliability);
- The expert's right to know about their exclusion from an evaluation will be guaranteed; however, no automatic individual information to experts (except in case of concerned active Panel member actually working with ERCEA) is foreseen, which would be impossible and disproportionate.

## **5. How long do we keep your data?**

In line with the provision of the Commission document SEC(2007)970, the ERCEA applies the retention policy linked to the evaluation process (i.e. experts' data mentioned in rejected project applications maximum 3 years; experts' data mentioned in successful projects maximum 10 years).

Any further statistical analysis of the reasons for request of exclusion will be anonymous.

## **6. Contact for information**

If you would like to receive further information, you can contact the responsible person (the Controller) via the mailbox:

[ERC-EXPERTS@ec.europa.eu](mailto:ERC-EXPERTS@ec.europa.eu)

The ERCEA Data Protection Officer is at your disposal for any clarification you might need on your rights under Regulation 45/2001:

[ERC-DATA-PROTECTION@ec.europa.eu](mailto:ERC-DATA-PROTECTION@ec.europa.eu)

## **7. Right of Recourse**

You have the right to have recourse to the European Data Protection Supervisor ([edps@edps.eu](mailto:edps@edps.eu)) if you consider that your rights under Regulation 45/2001 have been infringed as a result of the processing of your personal data by the ERCEA.

## **8. Legal basis**

The legal basis references which apply to the above processing operations are:

- Art. 182 TFEU
- Art. 294 TFEU
- Decision n. 1982/2006 of the EP and the Council concerning the FP7
- Regulation (EC) n. 1906/2006 Rules of participation of undertakings, research centres and universities
- Council Decision 2006/972/EC concerning the specific programme Ideas
- Commission Decision 2007/134/EC establishing the ERC
- Commission Decision (2011/12/EU) of 12 January 2011 amending Decision 2007/134/EC establishing the European Research Council
- Commission Decision C(2007)2286 ERC rules for the submission of proposals and the related evaluation, selection and award procedures relevant to the Ideas Specific Programme

- Commission Decision (2010/767/EU) of 9 December 2010 amending Decision C(2007) 2286 on the adoption of ERC Rules for the submission of proposals and the related evaluation, selection and award procedures for indirect actions under the Ideas Specific Programme of the Seventh Framework Programme (2007 to 2013)
- Regulation (EC) n. 58/2003 laying down the statute for executive agencies
- Commission Decision 2008/37/EC setting up the ERC Executive Agency (ERCEA)
- Commission Decision C(2008)5694 delegating powers to the ERCEA