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DATA PROTECTION NOTICE

ERCEA Department B

PAN: Panel Nominations

This data protection note concerns the processing operation done in the IT Tool called "PAN: Panel Nominations" for storing data of experts participating in ERC evaluations. This includes the main ERC grants (Starting, Consolidator, Advanced, Synergy grants) and the Proof of Concept (PoC) grants. This processing requires the handling of personal data and is therefore subject to Regulation (EU) 2018/1725 (Data protection regulation)¹.

The PAN IT tool is a platform that facilitates all the communications between the European Scientific Council (ERC) and the European Research Council Executive Agency (ERCEA) staff regarding the panel's composition. All data involved in panel recruitment is stored in the PAN IT Tool. In particular, PAN IT Tool contains: 1) an overview of all ERC panel compositions in all calls (either closed, running and calls under recruitment); 2) information on data-subject concerning their contact data (e.g. First name, Last name, Host Institution, Host Institution Country, Gender, publicly available email addresses), their role in the ERC panels, their field of expertise and other data considered in the panel composition rules (e.g. ERC grantee for those having a ERC grant, country distribution, gender etc.).

The CoP consists of the ERC President, and six further members, representing the three scientific ERC domains. There are three coordinators responsible for the different disciplinary domains - Social Sciences and Humanities (SH) - Life Sciences (LS) and Physical and Engineering Sciences (PE). The coordinator responsible for the PoC panels is the Chair of the ERC Working Group on Innovation. The CoP and the ERC Scientific Council Working Group on Innovation are responsible for the decisions concerning the ERC panels composition for StG/CoG/AdG/SyG and PoC calls respectively. The ERC panels are peer-reviewing panels involved in the assessment of the ERC proposals submitted to a call. The ERC panels for StG/CoG/AdG/SyG calls comprise one Panel Chair and several Panel Members up to 18 panelists. The CoP identify the Panel Chairs and Panel Members to serve in these ERC panels. The PoC panel consists only of Panel Members that are identified and nominated by the ERC Working Group on Innovation. By their decision, ERC Panels Members that already served can be re-invited or/and New Panel Members can be invited.

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.

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

1.a) Personal data

Personal data of data subjects is collected in two different occasions namely when experts are suggested as potential ERC Panel Members or when nominated and informally invited as ERC Panel Member.

When suggested as potential ERC panel member, a minimum set of data is collected namely:

- First Name,
- Last Name,
- Current Host Institution,
- Host Institution Country for new Host Institution in the PAN IT Tool,
- Gender,
- Professional or private email addresses.

All collected data is retrieved from publicly available websites.

However, when potential ERC Panel Members are nominated and informally invited additional information, to the one above-mentioned, is collected:

- Title (fill in by default Prof.),
- Second email address, if existing
- Secondary Host Institution* and Country* for new Host Institution in the PAN IT Tool
- Former Host Institution and the termination date*, if known,
- Website*,
- Scientific expertise*
- ERC grants (if any)*

The personal data marked with an asterisk (*) is not compulsory to be filled in at invitation stage; however, in case data subjects accept to be an ERC Panel Member, they will be asked to provide or confirm by email the collected personal information for the elements marked with an asterisk. Collecting information on Secondary Host Institution, Former Host Institution and its termination data is relevant to ascertain possible situations of Conflict of Interest while serving in the panels, while collecting information on data subjects' expertise is important to ensure that the panel expertise is covered and to enable proposal assignment.

1.b) Purposes of the processing

Invitation as ERC Panel Member (PM) or ERC Panel Evaluator (PEV)

The processing of the collected personal data is necessary to ensure that the composition of the ERC panels respects, to the broadest possible, the principles of geographical distribution of the data subjects' Host Institutions, expertise coverage, ERC grantees percentage, percentage of renewal and gender balance.

For StG/CoG/AdG/SyG panels, data subjects are informally invited to express their interest in becoming an ERC Panel Member. On the basis of a set of expert suggestions by the Scientific Council Members, the ScC Domain Coordinators, who have the role of completing the ERC panels, send the informal invitation by inserting the personal data of the nominated ERC Panel Member in PAN. The ScC Domain Coordinators ensure that panel composition rules are always respected (i.e. broadest possible geographical distribution, gender balance, percentage of renewal etc.). For this initial contact, the ScC Domain Coordinators use only personal data collected from public sources and hence available to the general public. Moreover, while the informal invitations of nominated ERC Panel Members is sent, they are asked to provide their consent for keeping their data in the PAN IT Tool. At this moment, it is possible to ask to remove all their data from the PAN IT Tool (see below set of options).

All informal invitation emails generated by the PAN IT Tool include a unique link to a webpage in which potential ERC Panel Members can encode their replies.

By crossing out one of the following set of options:

- (1) **Accepting to participate as ERC Panel Member.** Those who informally accept participating to the ERC evaluation are invited formally by the ERCEA. All data is validated by the data subjects during their appointment process. The data subject is once more informed that the data is kept by ERCEA and agrees to it.
- (2) **Not accepting to participate as ERC Panel Member but providing consent to keep their personal data and be considered for future calls** Those who express availability to participate to future calls and have confirmed the information retrieve from public sources have their data, , stored in the PAN IT Tool. Nominated ERC Panel Members' availability to participate in future calls is recorded in the PAN IT Tool.
- (3) **Not accepting to participate as ERC Panel Member but providing consent to keep a minimum amount of personal data** (First name, Last name, Host Institution, professional or private email addresses) for not being further contacted.
- (4) **Not accepting to participate as ERC Panel Member and requesting to delete all data.** In this case no personal data is stored in the PAN IT Tool.

In case the data subjects reply by e-mail to the informal invitation of the ScC Domain Coordinator instead of using the weblink provided, their replies are encoded directly in the PAN IT Tool by the ScC Domain Coordinators if the consent has been provided. Otherwise, all their data is automatically deleted if option 4 is selected. These data subjects can be once more suggested or nominated in the future as no information is kept in the PAN IT Tool.

For PoC panels, informal invitations are sent out by emails by the PoC call coordinator upon identification and selection of the candidates by the coordinator of the ERC Scientific Council Working Group on Innovation. The experts invited as PoC Panel Members can confirm their availability and acceptance to participate by email. They can also indicate any of the options described above. Their replies are encoded in the PAN IT Tool by the PoC Call Coordinator.

The ERC Panel Members who already participated to at least one ERC evaluation have already been informed that they could be re-invited to ERC evaluations either as Panel Members or Panel Evaluators (only applicable to StG/CoG/AdG and SyG calls) for a total amount of four times. Their personal data are then stored in the PAN IT Tool, as previously validated by them through the Funding and Tender Portal.

Re-invitation of ERC Panel Members serving in StG/CoG/AdG/SyG panels is subject to assessment of their performance via the Annual Information Exercise. The performance indicators are stored in the PAN IT Tool.

Annual Information Exercise: the above mentioned ERC Panel Members are subject to the "Annual Information Exercise" which is carried out once the evaluation to which they participated is finalized.

The processing of their personal data is then necessary in order to implement and manage the evaluation of proposals submitted to subsequent calls under the Horizon Europe Research Framework Programme. In this context, the ERCEA assists the Scientific Council Members in identifying ERC Panel Members that can be re-invited in the future. With this purpose, factual information on their rate of participation (such as number of assigned proposals and finalized reviews, panel meetings attended), quality of your reviews, and their compliance with the terms and conditions of the Appointment Letter (hereinafter: "APL") and the ERC procedures (e.g. confidentiality and Conflict of Interest rules) is gathered in the PAN IT Tool in a summaries manner.

Panel Evaluators in StG/CoG/AdG/SyG panels and PoC Panel Members are not subject to the Annual Information Exercise.

1.c) From where the data is collected

Invitation as ERC Panel Member (PM) or ERC Panel Evaluator (PEV)

The personal data (First name, Last name, Host Institution, Host Institution Country, Gender, profession or private e-mail addresses) is only collected from public sources. The Scientific Council Members provide suggestions of data subjects mainly based on their networks of collaborations while the final invitation is sent by the ScC Domain Coordinators or PoC Call Coordinator, for PoC Panel Members, who ensure that panel composition rules are always respected (i.e. broadest possible geographical distribution, gender balance, percentage of renewal etc.). Data collection is made for all data subjects suggested by ScC Members while data retention happens for all data subjects nominated by the ScC Domain Coordinators or PoC Call Coordinator, for PoC Panel Members. The main public sources used are the website of universities, research institutes, publishers, scientific societies etc.

Other personal data (Secondary Host Institution, Former Host Institution and the termination date and Scientific expertise, Existence of ERC grant), are collected directly from the data subject.

Data collected is deleted if:

- Data subjects never replied to the informal invitation
- Data subjects replied to the informal invitation but did not provided consent to keep their data,
- Data subjects were never nominated for the call to which they were initially suggested by the Scientific Council Members

Data deletion takes place before completion of the assessment of the proposals submitted to the call to which data subjects were suggested or nominated.

Annual Information Exercise (AIE)

The data collected are:

General information: Expert ID, last call served, panel, role (Panel chair/member), name, gender, nationality, first year of appointment.

Participation & Availability: Number of calls served, availability.

Compliance: Attendance to steps 1 and 2 panel meetings, and compliance: failure to comply with confidentiality and/or conflict of interest rules; failure to meet already accepted commitments and justification (if applicable); lack of participation during the panel meeting discussion and the final evaluation decision on proposals; reproduction of text from other experts or from the proposal as identified by copy-paste detection tools; submission of Individual Assessment Reports requiring correction).

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

Invitation as ERC Panel Member (PM) or ERC Panel Evaluator (PEV)

The information on panel recruitment is accessible to all Scientific Council Members and ERCEA staff on the basis of the need-to-know principle in order to allow them to implement their functions related to the panel recruitment, proposal assessment and contacting of ERC Panel Members.

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.

Scientific Council Members and ERCEA staff can access PAN IT Tool from third countries via provided EU Login. All PAN IT users are bound to confidentiality and are warned about confidentiality when downloading information.

Annual Information Exercise

During the AIE, and in addition to the information gathered by the Scientific Officer(s), and in order to facilitate the identification of key recruitment needs in each panel, the information to be transferred to the Scientific Council Members will be completed with one Excel table summarising availability, past participation in the peer review process, failure to comply with the terms and conditions of the APL and the ERC procedures, as well as gender of ERC Panel Members, the country of their institution, and current status as ERC grantees (if applicable).

3. What are your rights?

ERC Panel Members have the right to access the personal data that the ERCEA holds about them and to request to have them rectified where necessary. Where applicable, they have the right to request restriction or to object to processing, to request a copy or erasure of their personal data held by the data controller.

To exercise any of these rights, they should apply to the Head of the Scientific Department at the ERCEA, who is responsible for such processing (i.e. the Controller), by sending an e-mail specifying their 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.

As the processing of their personal data is based on their consent [point (d) of Article 5(1) or point (a) of Article 10(2)], please note that they can withdraw it at any time, and this will have effect from the moment of their retraction. The processing based on their consent before its withdrawal will still be valid.

4. How long do we keep your data?

The administrative retention period of the ERC Panel Members' data is ten (10) years after the end of the particular Program in which they were serving (e.g. FP7, H2020 or HE). In particular, data stored in the PAN IT Tool is First name, Last name, Host Institution, calls served with reference to the panel they served. The data stored in the PAN IT Tool is needed in order to comply with the panel composition rules when the panels of future calls are set up.

The administrative retention period of the data collected differs depending if the suggested expert is nominated or not by the Scientific Council. In case a data subject is not nominated, the retention time is from their suggestion until the start of the second evaluation step. For PoC, the retention time is until the start of the second annual evaluation of the call to which the expert was suggested. At that time, their data will be automatically deleted from the PAN IT Tool.

In case a data subject is nominated, the retention time is from suggestion until nomination. Therefore, administrative retention times will vary from one week until 1 year for business continuity reasons as retention of their data enables prompt nomination of suggested experts in case of resignation of nominated experts during the first phase of the evaluation of the proposals to the call to which they were suggested.

5. Contact information

If you would like to receive further information, you can contact the responsible person (the Controller), who is the Head of the Scientific Department via the mailbox:

ERC-PAN-SUPPORT@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 may lodge a complaint to the European Data Protection Supervisor: EDPS@edps.europa.eu

6. Legal basis

The legal basis applying to these processing operations are:

5(1)(a) of Regulation 2018/1725 processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body;

5(1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

5(1)(c) the data subject has given consent to the processing of his or her personal data for one or more specific purposes.