

Privacy statement

regarding the management of conflict of interest situations of members of the EIT Governing Board and the European Commission Observer

This privacy statement provides information relating to the processing of personal data of by the European Institute of Innovation and Technology (EIT) concerning the management of conflict of interest situations of members of the EIT Governing Board and the European Commission Observer.

The processing of personal data follows the provisions of 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/EC¹ (hereinafter “the Regulation”).

What is personal data and what is a personal data processing operation?

Personal data shall mean any information relating to an identified or identifiable natural person (“data subject”). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Who are the data subjects?

The data subjects are:

- 1) Members of the EIT Governing Board, including its Chairperson.
- 2) Former members of the EIT Governing Board are data subjects as regards their prospective affiliation for two years following their departure from the EIT Governing Board.
- 3) Close family members of the above persons may be also data subjects, as the Governing Board members are obliged to declare the interests of their family members, if these interests relate to the EIT’s activities.
- 4) In the case of the Declaration of Confidentiality and Interests for Members of the Advisory group and the European Commission Observer regarding the Selection Procedure for New EIT Governing Board Members, as well as in the case of the Declaration of Confidentiality and Interests for Members of the Appeal Committee, the Observer appointed by the European Commission is also a data subject.

Who is the controller of the data processing?

¹ OJ L 295, 21.11.2018, p. 39–98.

The data controller is the Director of the EIT.

What is the purpose of the personal data processing?

The purpose of processing personal data is the management of the Conflict of Interests situations of Members of the EIT Governing Board.

The data processing operations include the collection, recording, organisation, storage, consultation, use, disclosure by transmission, erasure and destruction of personal data. In particular, the personal information of the GB members contained in their filled declarations are accessed, evaluated, stored and eventually destroyed.

In case of online submission, the data is collected via MS Forms Tool and stored on SharePoint Cloud. Please, find the Microsoft Privacy Statement under the link: <https://go.microsoft.com/fwlink/p/?linkid=857875>

What types of personal data are processed?

- First name, surname, signature,
- Management position, including membership of a managing body or equivalent structure
- Economic interests (the stocks, shares, bonds, partnership interests in the capital of a company, one of its subsidiaries or a company in which it has a holding, IPR)
- Strategic Advisory position including membership of an advisory body
- Employment, contractual relationship
- Interests of close family members
- Any other interests (incl. other membership or affiliation)

The categories of requested data depend on the type of Declarations of Interests referred to in Article 7(4) of the Code of Conduct:

1) Declaration of Intention (DoI)²

- First name
- Surname
- Signature

2) Annual Declaration of Interest (ADoI)³:

- First name
- Surname
- Specific role(s) in the Governing Board
- Interests/relationships:

² Template is provided in Annex II to the Code of Conduct

³ Template is provided in Annex III to the Code of Conduct

Management position, including membership of a managing body or equivalent structure/Economic interests/Strategic Advisory position including membership of an advisory body/Employment or contractual relationship/Interests of close family members/Any other interests (incl. other membership or affiliation): *period (at present and in the past two years); entity concerned (name, location, type of organisation, field of activity), details of the declared interest (exact role/level and type of interest or relationship), indication whether the relationship/interest may create a conflict of interest in line with Articles 5 and 6 of the Code of Conduct and any complementary information.*

- Signature

3) Declaration of Interest concerning the KIC Call⁴

- First name
- Surname
- Information on the involvement of the GB member or any close family member in the preparation and/or submission of a proposal in the Call for KICs
- Information about a management position/economic interests/ a strategic advisory position/employment/contractual relationship of the GB member or any close family member in the last two years in one of the applicant organisations, or another entity directly concerned, such as other partners identified in a proposal
- Information about any other situation that could cast doubt on the impartiality of the GB member when exercising responsibilities during the selection and designation of a partnership as a KIC
- Signature

4) Declaration for former Members of the Governing Board⁵:

- First name
- Surname
- Date of end of mandate
- Information on the prospective affiliation(s): name and address of the entity/ies; job title(s), details of the position(s)
- Indication whether the prospective affiliations create a conflict of interest in line with Article 12 (3) and (4) of the Code of Conduct and any relevant complementary information
- Signature

5) Specific Declaration of Interest at the meeting of the Governing Board

- First name
- Surname
- Information on interests which can be considered prejudicial to their independence with respect to the items on the agenda at the beginning of each Governing Board meeting.

⁴ Template is provided in Annex IV to the Code of Conduct

⁵ Template is provided in Annex V to the Code of Conduct

In the course of Selection Procedure for New EIT Governing Board Members, members of the Advisory Group and the European Commission Observer shall submit Declaration of Confidentiality and Interests:

- Name
- Position
- Information whether the GB member/the European Commission Observer has any conflicts of interest with any of the candidates that have applied for the Call for Expressions of Interest.
- Signature

In case of complaints submitted under Article 90 (2) of the Staff Regulations against Decisions taken at the level of the EIT Director. The members of the Appeal Committee and the European Commission Observer shall submit Declaration of Confidentiality and Interests:

- Name
- Position
- Information whether the GB member/the European Commission Observer has any conflicts of interest with the complainant
- Signature

Who has access to the personal data of data subjects and to whom can they be disclosed?

Within the EIT:

The personal data is processed on the need to know basis by Chairperson of the EIT Governing Board, Director of the EIT, EIT Director's Office staff, Legal Section staff and Data Protection Officer of the EIT. In case of online submission, the access to the submitted declarations is granted to the respective IT officer responsible for establishing the online tool.

The assessment of the conflict of interest declarations, including the application of mitigating measures, is carried out by the EIT Director, with the support of the EIT Legal Section staff and in consultation with the Chairperson of the EIT GB.

EIT staff members in charge of the preparation of the relevant decision-making processes are informed on a need-to-know basis.

Access will be given to the Internal Auditor of the EIT by request and if necessary for the performance of the duties of the Internal Auditor: depending on the nature and the scope of the specific audit, the Internal Auditor will be given access to personal data which is relevant for and serves the purpose of the specific audit exercise.

Within the Commission and other EU institutions/bodies/agencies:

The authorized staff that may have access to relevant personal data for audit control or investigation purposes: Court of Auditors, Internal Audit Service of the European Commission, European Anti-Fraud Office (OLAF).

In case of a complaint of the data subject, access to personal data may be granted also to the European Ombudsman, the European Data Protection Supervisor, the General Court and the European Court of Justice and to the extent necessary for handling the complaint.

Third parties subject to the GDPR⁶ and third parties not subject to the GDPR:

Exceptionally and if necessary, personal data concerning management of the data relating to the declarations of interests for the EIT Governing Board members may be disclosed to external lawyers (advocates) subject to the GDPR for specific and limited purposes only. In this case a written contract (service contract) is signed between the EIT and the external lawyer in order to ensure that Article 29 of the Regulation is respected by the data processor. These written contracts follow the model of the Commission and include a specific article on data protection.

The same applies to external IT contractors with whom the EIT has a framework contract in order to provide IT services for the EIT.

The Declarations of Intention and Annual Declarations of Interest of members of the Governing Board shall be made public via the EIT website with the signature of the data subject erased.

How long do we keep your data?

The EIT only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for **five years after the closure of the conflict-of-interest assessment exercise**.

What are the rights of the data subject?

In accordance with Articles 15, 17, 18, 19 of the Data Protection Regulation of European Institutions the data subjects have the **right for information**, the **right of access**, the **right of rectification** in case their personal data is not complete or not accurate and the **right to erasure** (“right to be forgotten”).

The data subjects have the right to obtain the **erasure of their personal data** in accordance with Article 19 of the Regulation and in particular in the cases when the personal data are no longer necessary in relation to the purposes for which they were collected, if the data subject withdraws its consent, or in case of unlawful processing.

Data subjects have also the **right to restriction** of processing of personal data in accordance with Article 20 of the Regulation, and the **right to object** on grounds listed in Article 23 of the Regulation.

The rights can be only exercised by sending a request in a written form to the EIT-Director@eit.europa.eu. As a general rule, the requests for information, access, rectification, erasure restriction are handled without

⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

undue delay and in any event within one month of receipt of the request; this period may be extended by further two months where necessary, taking into account the complexity and number of requests. In case the data subject contests the accuracy of the data, upon request, the data is restricted immediately for the period of verification of the accuracy of the data, not exceeding one month.

Restrictions to the rights of data subjects may be applied by the EIT on a case-by-case basis, in accordance with Article 25 of the Data Protection Regulation of the European institutions and the EIT internal rules on restrictions⁷.

Who should be contacted in case of queries or complaints?

If you have any queries concerning the processing of your personal data, you may address them to the internal EIT department responsible for management of the data relating to the declarations of interests for the EIT Governing Board members at the following email: EIT-Director@eit.europa.eu.

You have the right of recourse at any time to the EIT's Data Protection Officer (EIT-DPO@eit.europa.eu) and to the European Data Protection Supervisor (EDPS@edps.europa.eu) or contact the site: <http://www.edps.europa.eu/EDPSWEB/>.

Legal basis of the processing operation

General legal basis:

- Regulation (EU) 2021/819 of the European Parliament and of the Council of 20 May 2021 on the European Institute of Innovation and Technology (recast)⁸

Specific EIT legal basis:

- Decision 25/2023 of the EIT Governing Board of 13.07.2023 on the Code of Conduct of the EIT Governing Board⁹;
- Decision 18/2021 of the EIT Governing Board of 07.05.2021 on the Rules of Procedure of the EIT Governing Board and Executive Committee, and in particular, Article 7 thereof¹⁰;
- Decision 14/2022 of the Governing Board of the EIT on the Establishment of the Governing Board 'Appeals Committee'¹¹;

⁷ Ares(2023)4368918

⁸ OJ L 189, 28.5.2021, p. 61–90

⁹ Ares(2023)4915633

¹⁰ Ares(2021)3139636

¹¹ Ares(2022)3371325

Grounds for lawfulness

In line with Article 5(a) of Regulation No. (EU) 2018/1725, the 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 EIT.

In particular, the processing is necessary to avoid conflict of interest to ensure the independence, integrity and impartiality of the members of the Governing Board when performing the activities that fall under the scope of action of the EIT; this task is carried out in the public interest on the basis of the Treaties establishing the European Communities, the EIT Regulation and the Code of Conduct of the EIT Governing Board.