

PRIVACY POLICY

for the processing of personal data by S2R JU:

MANAGEMENT OF PROCUREMENT PROCEDURES (PO – 2.01)

MANAGEMENT OF GRANT APPLICATIONS (PO-2.01)

SELECTION AND MANAGEMENT OF EXTERNAL EXPERTS (PO-2.02)

1. INTRODUCTION

This Privacy policy describes the measures taken to protect your personal data with regard to the data processing operations in the context of the management of procurement procedures and the management of grant applications. Furthermore, it describes the rights you have as a data subject and how you can exercise these rights.

Regulation (EU) 2018/1725 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 (hereinafter "the Regulation") applies to the processing of personal data carried out by the Shift2Rail Joint Undertaking ("S2R JU").

S2R JU protects the fundamental rights and freedoms of natural persons and in particular their right to privacy with respect to the processing of personal data.

2. CONTROLLER OF THE PROCESSING OPERATION

Shift2Rail Joint Undertaking
Legal representative: Mr Carlo M. Borghini, Executive Director
White Atrium building – 2nd floor
56-60 Avenue de la Toison d'Or
1060 St Gilles
Belgium
<https://shift2rail.org>

Organisational parts of the S2R JU designated as being in charge of the processing operations :

- Head of Research and Innovation
- Head of Administration and Finance
- The Communication Officer, if applicable

For the management of grant applications and of external experts: the Research Executive Agency and various services of the European Commission are also involved.

For specific information on data protection, data subjects should contact the S2R JU Data Protection Officer, E-mail: Data-Protection@s2r.europa.eu

3. PURPOSE OF THE PROCESSING

The S2R JU processes personal data pertaining to tenderers, contractors, grant's applicants, beneficiaries and external experts (in the case of legal entities: their representatives) for the sole purposes of:

- The award, management and follow-up of grants, prizes and financial instruments by the S2R JU in accordance with S2R JU's annual work plans;
- The communication (in the case of prizes);
- The award of procurement contracts;
- The selection and the management (including reimbursements of expenses and payment where appropriate) of independent experts appointed by S2R JU to advise on or assist with:
 - o The evaluation of proposals;
 - o The monitoring of the implementation of actions carried out under Horizon 2020 as well as of previous Research and/or Innovation Programmes;
 - o Advice or assistance with other tasks related to S2R JU activities.

4. CATEGORIES OF PERSONAL DATA COLLECTED AND USED FOR THE PROCESSING OPERATIONS

Personal data processed are the following:

- Name, date of birth, gender, nationality, VAT number, ID number, passport number, contract details, work experience / employment history, education, training and academic background and personal skills and competences (languages, technical skills).
- Tenderers' and applicants' data (in case of legal entities, their representatives): identification and contact details of the "person in charge of the proposal/tender" and of each applicant or tenderer, as well as of other categories of staff if any ; further categories of data (i.e.: bank account, extracts of judicial records,) etc. are collected and further processed for successful proposals and tenders with the aim of signing the grant agreements and procurement contacts.
- Experts (in case of legal entities, their representatives): identification and contact details, education, area of expertise, career, publications, achievements, etc. The categories of personal data collected and further processed for selected experts are additional identification data, financial data, professional data and information forms (when applicable).

Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual orientation may be received only in as much as these data appear spontaneously in the CV provided by the data subjects. Those data are not processed during the management of the call, tender or the selection of the expert, since they are not pertinent.

Regarding the judicial records, S2R JU does not need to collect and process those data except if it is needed for the detection of fraud related to the contract or procedures relating to sanctions according to article 136 of the Financial Regulation (FR). Those extracts shall not be kept longer than two years after the accomplishment of the particular procedure.

In addition, information provided by the expert, applicant or tenderer may lead to an entry in the Early Detection and Exclusion System Database (EDES) managed by the European Commission if

the economic operator is in one of the situations mentioned in Article 136 FR. The EDES foresees the right of the economic operator to be informed of the data stored in the database upon its request to the Commission. The information contained in the database shall be updated, where appropriate, following a request for rectification or erasure of the data stored. For more information. For more information, please visit:

http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm

S2R JU does not retain other irrelevant or excessive data.

5. RECIPIENTS OF THE DATA

Under regular circumstances, the recipients are:

- S2R JU Executive Director (as the S2R JU Authorising Officer);
- S2R JU staff participating in the selection of external experts, tender evaluation committees or grant proposal evaluation panels;
- S2R JU IP Coordinators;
- external evaluators or experts assisting the S2R JU;
- European Commission and its services.
- Intra and extra-muros external service providers (S2R JU contractors or subcontractors).

For grants and experts, please refer to the 'List of recipients', published in the Legal Notice of the H2020 Participant Portal at the following link:

http://ec.europa.eu/research/participants/data/support/legal_notice/h2020-ssps-grants-recipients_en.pdf

Disclosure to some categories of recipients require the prior consent of the data subject.

6. TRANSFER TO A THIRD COUNTRY OR AN INTERNATIONAL ORGANISATION

S2R JU does not intend to transfer the personal data to third countries or to international organisations.

7. RIGHTS OF DATA SUBJECTS

Data subjects have the right to access their personal data and the right to rectify any inaccurate or incomplete personal data, as well as to request the erasure of their personal data, restriction of processing and the right to object to the processing of their personal data.

Without undue delay and in any case within one month of receipt of the request, S2R JU will provide information on action taken on the data subject's request to exercise her/his rights. In case of complex or voluminous requests, this period may be extended by another two months, in which case S2R JU will inform the data subject.

In case data subjects wish to exercise their rights, they should send an email to S2R JU, using the following functional mailbox: Data-Protection@s2r.europa.eu.

Restrictions to the exercise of the data subject's rights may apply, in particular in the context of procedures relating to sanctions according to Article 136 of the EU FR.

8. TIME LIMIT FOR STORING DATA

As stipulated in the S2R JU local retention list based in the Common Commission-Level Retention List (SEC(2012)713) for European Commission files:

- Files of successful tenderers, grant applications and selected experts are kept for 10 years after the end of the respective contract or the closing of the action.

- Files of unsuccessful or withdrawn tenderers, grant applications and non-selected experts might be kept for up to 5 years after the closure of the particular procedure to allow for all possible appeals.

This retention period is considered as necessary for control and audit purposes in terms of Article 75 of the Financial Regulation. Anonymous or encrypted data can be retained for a longer period for statistical, scientific or historical purposes. Personal data not updated for 10 years will be erased from any relevant database.

9. LEGAL BASIS FOR THE PROCESSING OPERATION

Processing of personal data is necessary for the performance of a task carried out in the public interest and the compliance with a legal obligation to which S2R is subject, in particular:

- Articles 2(e), 10, 11(1) of Regulation 642/2014 establishing the S2R JU and Article 17 of the Statutes annexed thereto.
- Articles 15(7) and 40(1) of the Horizon 2020 Rules for Participation;
- Article 33, 34 and 35 of the S2R JU Financial Rules;
- Title VII of the EU Financial Regulation and Annex I to this Regulation (procurement)
- Title VIII VII of the EU Financial Regulation (grants)
- Article 237 of the EU Financial Regulation (Remunerated external experts)
- REGULATION (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)
- REGULATION (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in "Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)"

As indicated in section 4, S2R JU might receive categories of personal data contained in a CV provided by the data subject. In this case, S2R JU considers that the data subject has consented to the processing or has made these data public. Regarding the processing of the extracts of judicial records, which may contain data relating to criminal convictions, is authorised by Union law (in particular Article 137 (3) of the EU Financial Regulation).

10. CONTACT DPO

In case you have any questions or queries concerning data protection at the Shift2Rail Joint Undertaking, you can also contact the Data Protection Officer at Data-Protection@s2r.europa.eu.

11. COMPLAINT TO THE EDPS

As a data subject you have the right to lodge a complaint at any time with the European Data Protection Supervisor at edps@edps.europa.eu.

12. ADDITIONAL INFORMATION

More information on Data Protection at the Shift2Rail Joint Undertaking can be obtained on our



www.shift2rail.org

[public website](#)