

## European Data Protection Board (EDPB) Specific Privacy Statement (SPS)

### **Processing of personal data for the purpose of selecting and managing external experts in the context of the Support Pool of Experts (“SPE”)**

Last updated: February 2022

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#### **1. Introduction**

The EDPB launched, in 2020, the Support Pool of Experts (“SPE”) initiative, aimed at creating a pool of experts established in the context of the EDPB in order to assist with the carrying out of investigations and enforcement activities of significant common interest, comprising both EDPB experts and external experts. This is done in line with the EDPB tasks stipulated in Article 70(1)(u) GDPR (“promote the cooperation and the effective bilateral and multilateral exchange of information and best practices between the supervisory authorities”).

In order to implement the SPE, the EPDB will select EDPB experts (including from the EDPB Secretariat) and external experts. The administrative nature of EDPB and external experts will differ, with impact on the collection and further processing of their personal data. This is the case, for example, when it comes to the financial aspects of their collaboration. **This privacy notice is aimed at the processing of personal data related to the selection and management of personal data of external experts in relation to the SPE.**<sup>1</sup>

The selection of external experts will be made through a call for expressions of interest (“CEI”). In certain cases, a simplified tender procedure may be organised in order to select an expert(s) to participate in a specific SPE activity. As per the CEI, where an expert has concluded a contract above a certain value, the EDPB will be required to publish specific personal data categories for a given period.

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<sup>1</sup> For EDPB experts, due to procedural specificities, a different privacy notice applies.

The EDPB is responsible for the processing of personal data regarding the SPE, together with the European Data Protection Supervisor (EDPS)<sup>2</sup>, which is responsible for specific administrative and financial aspects related to the selection and management of experts. The EDPB relies on services provided by the European Parliament and the European Commission for specific technical aspects related to the management of the SPE's internal experts.

The lawfulness of processing is ensured by compliance with Article 5(1)(a) (“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”) of Regulation 2018/1725. As required by Article 5(2) of said Regulation, the basis for the processing is required to be laid down in Union law, which, in this case, is Article 70(1)(u) GDPR for the cooperation among Supervisory Authorities (“SAs”), but also on the Financial Regulation, for any aspects concerning reimbursements of external experts.<sup>3</sup>

Where the EDPB is required to process data for the purposes of audits and investigations by relevant EU bodies, requests for access to documents and/or requests for data subject rights, or publication of personal data as a result of the attribution of a specifically valued contract, the lawfulness of said processing rests on Article 5(1)(b) and (2) of Regulation 2018/1725, with the legal basis being laid in applicable Union acts regulating such activities.

## **2. What personal data do we collect, for what purpose, and through which technical means?**

### ***2.1 Processed personal data***

External experts:

- ) Full name, email address, office / personal address, telephone number, personal signature;
- ) All personal data present in an identification document required for participation in the CEI;
- ) Qualifications for the performance of the tasks, including those provided by means of an application, a professional certification, a self-assessment of expertise, a CV and/or a letter of motivation;
- ) Declaration of honour and any related personal data provided as supporting evidence;
- ) Any additional personal data required for participation in the CEI and in any simplified tender procedure to be an SPE expert, including any financial, tax and legal data required by the EDPB / EDPS, for purposes such as reimbursement of costs and fees, where applicable;

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<sup>2</sup> See Memorandum of Understanding between the EDPB and the EDPS, available at [https://edpb.europa.eu/our-work-tools/our-documents/memorandum-understanding/memorandum-understanding\\_en](https://edpb.europa.eu/our-work-tools/our-documents/memorandum-understanding/memorandum-understanding_en);

<sup>3</sup> See 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. This Regulation lays down the rules for the establishment and the implementation of the general budget of the European Union and of the European Atomic Energy Community (‘the budget’) and the presentation and auditing of their accounts.

Where publication of the experts' personal data is required (in accordance with Article 38 of Regulation 2018/1046), the following data categories are published: name and origin of the expert (address for legal persons and region of origin for natural persons), together with the amount and subject of the contract.

## ***2.2 Purpose of the processing***

The purpose of this processing is to select and manage experts who will be part of the Support Pool of Experts project.

## ***2.3 Technical means***

The selection of external experts will resort to specific IT tools for the secure submission and assessment of applications. Exchanges may take place via email or other tools made available for this purpose. Additional internal IT tools may be used for the performance of administrative tasks, including storage of relevant information.

## **3. Who has access to your personal data and to whom is it disclosed?**

The following entities have access to your information:

- ) The EDPB Secretariat staff members, on a need-to-do and need-to-know basis;
- ) EDPS staff members, for purposes related to their role as joint controllers, namely EDPS management, EDPS teams in charge of finance, as well as, where relevant, the EDPS DPO team;
- ) EDPB members, for all matters concerning the implementation of the SPE, including the deployment of experts for specific initiatives;
- ) The European Commission, acting as a processor for the provision of technical services, where necessary;
- ) The European Parliament, acting as a processor for the provision of technical services, where necessary;
- ) Bodies charged with monitoring or inspection tasks in application of EU law, where necessary in the context of official investigations or for audit purposes;
- ) Members of the public in the context of requests for access to documents, where the relevant exceptions do not apply, in accordance with Regulation 1049/2001, or of mandatory publication of the experts data, where applicable;

## **4. How do we protect and safeguard your personal data?**

Data processed for the purposes of the selection and management of experts is kept on restricted, password-protected servers, available only to EDPB staff and EDPB members, on a need-to-know and need-to-do basis. Physical access to the premises of the EDPB is protected, and restricted to authorised personnel.

Submission of applications will be made using a Commission tool (EU Survey) with restricted access only to staff members with a need to know.<sup>4</sup> The assessment of any applications submitted will be subject to strict confidentiality rules, applicable to all those involved in the selection process.

Reimbursements of external experts, conducted mainly by EDPS staff, will take place with resort to a specific set of restrictions and safeguards embedded in the chosen procedure / IT tool.<sup>5</sup>

In case of request, personal data can only be disclosed to recipients other than EU institutions and bodies in compliance with Article 9 of Regulation 2018/1725, and provided that the data subjects have been informed about the processing and about their right to object (Articles 15-16 and 23 of the Regulation).

No personal data will be subject to international transfers.

## **5. How can you verify, modify or delete your personal data?**

You have the right to request from the data controller (the EDPB) access to, rectification or erasure of your personal data, restriction of processing concerning yourself or, where applicable, the right to portability of your data. Please note that the rights provided to data subjects are not absolute rights and may be subject to exceptions, which are applied on a case-by-case basis.

You can object to the processing of your personal data on grounds relating to your particular situation, by stating said grounds in an email sent to the controller. If the controller (the EDPB) is not able to demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, the controller will remove the personal data categories indicated in section 2.1 above. The same applies to processing for the establishment, exercise or defence of legal claims.

To exercise your rights as a data subject, see the “Who can you contact to ask questions or exercise your rights?” section of this SPS below.

## **6. For how long do we keep your personal data?**

Personal data of applicants will be kept in EU Survey until the results have been completely analysed and exploited for the purposes of this procedure, after which it will be transferred from EU Survey to the EDPB’s servers. Once the transfer has been made, all information, including personal data, of applicants will be deleted from EU Survey.

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<sup>4</sup> For more information on how EU Survey processes your personal data, please see: <https://ec.europa.eu/eusurvey/home/privacystatement>.

<sup>5</sup> For more information on how the EDPS processes personal data in this context, please see: [https://edps.europa.eu/data-protection/our-work/publications/data-protection-notice/financial-managementtransactions\\_en](https://edps.europa.eu/data-protection/our-work/publications/data-protection-notice/financial-managementtransactions_en) and [https://edps.europa.eu/data-protection/our-work/publications/data-protection-notice/notice/data-protection-notice-financial\\_en](https://edps.europa.eu/data-protection/our-work/publications/data-protection-notice/notice/data-protection-notice-financial_en)

Personal data of external experts will be kept for the duration of the SPE procedure they are a part of, either via direct involvement in a project or simply being part of the pool of experts, in accordance with the principle of data minimisation. The list resulting from this selection is valid for two years (starting from the date of publication), potentially extendable for another two.

Financial data will be kept for 7 years from the signature of the contract, after which they will be destroyed. Where personal data has to be published in accordance with the CEI, said personal data will be removed two years after the year of the award.

Personal data of experts who are not selected after a specific procedure will be kept for a maximum of 5 years after the closure of the CEI.

In any case, personal data contained in supporting documents are deleted where possible, in particular in cases where these data are not necessary for budgetary discharge, control and audit purposes.

## **7. What is the time limit for addressing your data modification request?**

The time limit for treating your request as a data subject, and modifying the database fields is one (1) month. This period may be extended by two (2) further months where necessary, taking into account the complexity and the number of the requests. In those cases, the EDPB will inform you of the extension within one month of receipt of the request and will provide reasons for the delay.

## **8. Who can you contact to ask questions or exercise your rights?**

In case you have questions, or wish to exercise your rights as a data subject, please contact the European Data Protection Board, using the following contact information: [edpb@edpb.europa.eu](mailto:edpb@edpb.europa.eu). You can also directly contact the EDPB Data Protection Officer, at [edpb-dpo@edpb.europa.eu](mailto:edpb-dpo@edpb.europa.eu).

## **9. Complaints**

Complaints can be addressed to the European Data Protection Supervisor (EDPS) at the following address:

European Data Protection Supervisor (EDPS)  
Rue Wiertz 60  
B-1047 Brussels, Belgium  
[edps@edps.europa.eu](mailto:edps@edps.europa.eu)