

DATA PROTECTION NOTICE – Management of procurement procedures and grant applications (unsuccessful applicants) PO-02-01-b)

Management of procurement procedures and grant applications (unsuccessful applicants) involves processing of personal data, which shall comply with Regulation (EU) N° 2018/1725¹ (the “Regulation”).

This data protection notice explains how the Shift2Rail Joint Undertaking (here after referred to as S2R JU) uses any information you give to us, and the way we protect your privacy. Furthermore, it describes the rights you have as a data subject and how you can exercise these rights.

Shift2Rail Joint Undertaking protects the fundamental rights and freedoms of natural persons and in particular their right to privacy with respect to the processing of personal data.

We provide the following information based on Article 15 of the Regulation.

What is the purpose of the processing?

- Personal data is collected for the award, management and follow-up of procurement contracts, grants, prizes and financial instruments by the S2R JU in accordance with S2R JU’s annual work plans.

Which personal data do we process?

Personal data:

- Profession
- Education
- Personal characteristics
- Financial information
- Personal details

Special categories of personal data:

- Juridic data

Why do we process your personal data and under what legal basis?

Personal data:

- Legal obligation Article 5 b) of Regulation 2018/1725
- Public Interest Article 5 a) of Regulation 2018/1725

Special categories of personal data:

- Legal obligation Article 5 b) of Regulation 2018/1725: Juridic data (art. 11 Regulation 2018/1725 (processing under control of official authority or when the processing is authorised by Union law))
- Public Interest Article 5 a) of Regulation 2018/1725: Juridic data (art. 11 Regulation 2018/1725 (processing under control of official authority or when the processing is authorised by Union law))

¹ Regulation (EU) N° 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 (“EUDPR”).

Who is the controller and other actors involved in the processing?

Controller: The Shift2Rail Joint Undertaking, legally represented by Mr Carlo Borghini, Executive Director, White Atrium building – 2nd floor, 56-60 Avenue de la Toison d’Or 1060 St Gilles, Bruxelles.

Processor(s) of personal data:

- External experts (contractors, intra and extra-muros)
- European Commission

Processor(s) of special categories of personal data:

- External experts (contractors, intra and extra-muros)
- European Commission

Joint controller(s):

- Research Executive Agency

How is Shift2Rail Joint Undertaking processing the personal data?

See <https://shift2rail.org/terms-of-use/> for more information.

How do we protect and safeguard your information?

- Data kept according to the security measures adopted by the European Commission
- Access control and technical measures such as physical locks and/or secure connections and firewalls
- Obligation of confidentiality of the staff
- Staff dealing with this processing operation is designated on a need-to-know basis
- Automated system (Grants management)
- Appropriate technical and organisational security measures, giving due regard to the risks inherent in the processing and to the nature of the personal data concerned
- Signature of absence of conflict of interest

Who can access to your personal data and to whom is it disclosed?

The following might have access to your personal data:

- S2R Executive Director
- External evaluators or experts assisting the S2R JU
- Intra and extra-muros external service providers (S2R JU contractors)
- S2R JU Staff members: Staff participating in the selection of external experts, Tender evaluation committees, IP Coordinators, Grant proposal evaluation panels.

What are your rights and how can you exercise them?

You have the right of access to your personal data and to relevant information concerning how we use it. You have the right to rectify your personal data. Under certain conditions, you have the right to ask that we delete your personal data or restrict its use. You have the right to object to our processing of your personal data, on grounds relating to your particular situation, at any time. In addition, you have the right not to be subject to a decision based solely on automated processing of data, including profiling, if such decision has legal effect on him or her, except for certain situations, such as entering into a contract (as required by articles 14-16 & 24 of EU DPR Regulation).

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

In case data subjects wish to exercise their rights, they should send an email to the Shift2Rail Joint Undertaking Data Protection Officer at Data-Protection@s2r.europa.eu.

How to withdraw your consent and the consequences of doing this

Data subjects have the right to withdraw their consent at any time by sending a written request to the above-mentioned email address. Please note that withdrawing your consent does not affect the lawfulness of any processing based on your consent before this consent is withdrawn.

Possible restrictions as laid down in Article 25 of the EU DPR Regulation can apply.

How long is the data retained?

- 5 years after closure of procedure: Profession, Education, Personal characteristics, Financial information, Personal details, Juridic data

Complaints, concerns and recourse

Should you have any complaint or concern you may contact:

- the Data Protection Officer of the Shift2Rail Joint Undertaking at Data-Protection@s2r.europa.eu

In addition, as a data subject, you have a right to recourse to the European Data Protection Supervisor (EDPS) at any time by e-mail to edps@edps.europa.eu or a letter to the EDPS postal address marked for the attention of the EDPS DPO:

European Data Protection Supervisor, Rue Wiertz 60, B-1047 Brussels, Belgium

For more information on the EDPS, please consult their website: <https://edps.europa.eu>

Additional information

More information on Data Protection at the Shift2Rail Joint Undertaking can be obtained in the Data Protection Register and in the privacy notices published in the Shift2Rail Joint Undertaking web site.