

Data Protection Information Notice

Version 1.0 – In force as of 3 June 2022

Processing of Personal Data Related to the User Calls Published by ELI ERIC

By issuing this present information notice, the purpose of ELI ERIC is to provide concise, clear and plain information to the data subjects about the processing of their personal data during the selection procedure of the proposals for experiments submitted to the User Calls announced by ELI ERIC, and – in the case of a successful proposal – during the preparation and performance of the selected user experiments.

The provisions and definitions set out in this Data Protection Information Notice shall be interpreted in line with the Terms and Conditions of Access (hereinafter referred to as the “TCA”).

ELI ERIC is committed to secure the lawfulness, the fairness and the transparency of the processing of personal data. In accordance with that commitment, ELI ERIC implements appropriate technical and organizational measures in order to ensure the rights of data subjects and in order to secure the personal data of the data subjects thereby in order to prevent unauthorized access to, alteration of or disclosure of personal data.

ELI ERIC processes personal data in full compliance with 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) (hereinafter referred to as GDPR).

ELI ERIC informs the Users that they shall comply with all applicable policies and procedures of ELI ERIC with regard to access to and use of the Facilities and other resources offered by ELI ERIC to Users.

The definitions applied by this present notice are identical with the definitions set out in Article 4 of the GDPR. In this present notice the definition of ‘data subject’ refers to the Principal investigators (PI) [and their experimental team members (hereinafter altogether referred to as ‘User’)] who submit an experimental proposal for the User Calls. The PI is responsible for informing their team members and – when it is needed – obtaining their prior consent to the processing of their personal data necessary for the User Calls.

Contact Information of the Controller

Name: Extreme Light Infrastructure European Research Infrastructure Consortium (ELI ERIC)

Director General: Allen Weeks

Seat: Za Radnicí 835, Dolní Břežany, 252 41, Czech Republic

E-mail address: info[@]eli-laser.eu

Contact details of the Data Protection Officer: Viktoria Papp, Dr.; dpo [a]eli-laser.eu

Contact Information of the Joint Data Controllers

I. Name: ELI-HU Nonprofit Ltd. (Hosting organisation of the ELI ALPS Facility)

Seat: H-6728 Szeged, Wolfgang Sandner street 3.

E-mail address: info[[@](mailto:info@eli-alps.hu)]eli-alps.hu

Direct contact to the User Office: user.office[[@](mailto:user.office@eli-alps.hu)]eli-alps.hu

Website: www.eli-alps.hu

II. Name: Horia Hulubei National Institute for Research and Development in Physics and Nuclear Engineering (IFIN-HH) (Hosting organisation of the ELI-NP Facility)

Seat: No. 30, Reactorului Street, Magurele, 077125, Ilfov, Romania

E-mail address: office.elinp[[@](mailto:office.elinp@eli-np.ro)]eli-np.ro

Direct contact to the User Office: users[[@](mailto:users@eli-np.ro)]eli-np.ro

Website: www.eli-np.ro

(Hereinafter altogether referred to as “Joint Data Controllers”)

In order to comply with the relevant provisions of the GDPR and to ensure the safety of the personal data of the Users, ELI ERIC and the Joint Controllers concluded Data Sharing Agreements, which may be requested upon a written request to the DPO of ELI ERIC.

Information of the Processing Activities Related to the User Calls Published by ELI ERIC

As a general rule if ELI ERIC asks for the Users’ consent to the processing of personal data, or if ELI ERIC bases its processing activities on its legitimate interest, ELI ERIC processes the personal data of the Data subjects up until such time where the Data subjects withdrew their consent or if the Data subjects object to the processing. Data subjects may withdraw their consent or they may object to the processing at any time without affecting the lawfulness of processing based on consent or on the legitimate interest before the withdrawal or the objection. Withdrawing the consent or objecting the processing may result that the Data subjects will no longer be able to have access to the User Portal and to participate in the selection procedure.

Documents generated in connection with the User Calls are processed electronically.

I. Users’ Access to the User Portal

In order to submit the first time an experimental proposal for the User Calls announced by ELI ERIC, it is necessary to make a registration to the User Portal operated by ELI ERIC. The User Portal refers to the online platform available at up.eli-laser.eu as set out in the GTC.

Purpose of the processing: identification of the Users and enabling the proper use of the User Portal and communication with the Users

Scope of the processed personal data: e-mail address, full name

Legal basis of the processing: consent given by the data subject (User) in accordance with Point a) of section (1) of Article 6. of the GDPR.

Legal basis of the transmitting and sharing of the personal data: since the Users are invited to submit their proposals to all three of the Facilities (ELI-ALPS, ELI-NP, ELI-Beamlines), the personal data of the Users will be accessible for the designated staff of the Joint Data Controllers strictly on a necessary basis. The legitimate interest of the controller (Point f) of section (1) of Article 6. of the GDPR) is the legal basis of the transmitting and sharing of the processing.

II. Evaluation Procedure

During the evaluation procedure related to the Experimental Proposal, ELI ERIC requests personal data of the Data subjects to fill in and submit the Proposal form available on the User Portal. Regarding the fact that the technical and safety feasibility of the experimental proposals shall be assessed by the authorized staff of the Facilities, ELI ERIC may share such personal data with the authorized staff of the selected Facility on a need-to-know basis.

ELI ERIC informs the Users that their experimental proposals will be peer-reviewed by external independent scientific experts in the relevant fields and authorities according to the Access Policy and the TCA (ELI Peer Review Panel). The personal data of the Users will be kept confidential and will only be accessible to the ELI ERIC staff, to the staff of the Facilities and to those experts whose involvement is necessary in the evaluation process. ELI ERIC and the Joint Controllers ensure that persons who have access to the personal data of the Users have committed themselves to confidentiality.

Purpose of the processing: to identify and to contact with the Data subjects during the evaluation procedure

Scope of the processed personal data: title, first name, surname, e-mail address, phone number, User ID, affiliation, country of affiliation, citizenship, any other personal information which is included in the Experimental Proposal submitted by the Data subjects

Legal basis of the processing: consent given by the Data subject in accordance with Point a) of section (1) of Article 6. of the GDPR

Legal basis of the transmission and sharing of personal data: consent given by the Data subject in accordance with Point a) of section (1) of Article 6. of the GDPR and the legitimate interest (evaluation of the experimental proposal and the examination of the feasibility of it) of the controller in accordance with Point f) of section (1) of Article 6. of the GDPR. The result of the balance interest test may be requested upon a written request submitted to the DPO of ELI ERIC.

III. Processing of Personal Data During the Performance of Selected Experiments

During the implementation of the selected Experimental Proposal, ELI ERIC processes personal data of the Users as follows.

The controller draws the attention of the Data subjects that the Facilities operate electronic surveillance system on their premises for security purposes, as a result of which the image of the Data subjects may be captured.

Furthermore, the Controller draws the attention of the Data subjects, that the Facilities operate electronic access system (electronic gates in particular) and may engage security service thus in order to ensure the entry into the premises of the Facilities, the Facilities may require the Users to provide their certain personal data.

ELI ERIC wishes to emphasize that the Facilities may have separate rules at place for ensuring access to the laser equipment available at the Facilities and the Facilities may ask further personal data for their own special purposes, but the particular Facility is responsible for the

special regulation. If special regulations are applied in the Facilities which implies processing of personal data for certain purposes, the Users will be informed always prior to the processing by the Joint Controllers.

Purpose of the processing: (purpose1) to identify the Data subjects and to contact with the Data subjects during the performance of the relevant experiment; (purpose2) to ensure access to the premises of the Facilities

Scope of the processed personal data: (for purpose1) name, e-mail address, phone number, any other personal information which is necessary in order to perform the experiment and (for purpose2) name, place and date of birth.

Legal basis of the processing: For purpose1: In case of winning experimental proposals, by accepting the GTC a contractual relationship will be established between the ELI ERIC and the Users, so the legal basis of the processing of the Users' personal data is twofold: the legitimate interest of the controller [performing the relevant experiment] in accordance with Point f) of Section (1) of Article 6. of the GDPR and Point b) of Section (a) of Article 6. of the GDPR [performing the contract]. For purpose2: The legitimate interest of the controller [ensuring the entry into the premises of the Facilities] in accordance with Point f) of Section (1) of Article 6. of the GDPR. The result of the balance interest test may be requested upon a written request submitted to the DPO of ELI ERIC.

Legal basis of the transfer of personal data: the legitimate interest of the controller in accordance with Point f) of section (1) of Article 6. of the GDPR. Considering that the experiment takes place in one of the Facilities indicated in this present information notice, it is necessary for the controller to transfer the personal data of the Data subject to the relevant facility in a need-to-know basis. The result of the balance interest test may be requested upon a written request submitted to the DPO of ELI ERIC.

IV. Processing of Personal Data After the Performance of Selected Experiments

After the performance of the relevant experiment, ELI ERIC processes personal data of the Users as follows.

Purpose of the processing: As a general rule, ELI ERIC de-identifies or delete the personal data of the Users when they are no longer necessary for the purposes described above or when the Users submit a request on deletion or objection. ELI ERIC informs the Data subjects that their personal data cannot be de-identify or deleted or erased if any legal obligation exists which prevents ELI ERIC from de-identifying or deleting or erasing such personal data.

All personal data of the Users which are collected by ELI ERIC during the procedures and for the purposes described above, will be stored as long as it is required to achieve the purposes of the processing (or in order to communicate with the Users).

ELI ERIC has a legitimate interest to make archive files of the communications (which is useful if one of the Users send new questions, requests, remarks, or other inputs to ELI ERIC in connection with the earlier communications related to the experimental proposal).

Scope of the processed personal data: contact details and identification information of the Data subjects.

Legal basis of the processing: The legitimate interest of the controller [to allow the communication with the data subjects as members of the scientific community] in accordance with Point f) of Section (1) of Article 6. of the GDPR. The result of the balance interest test may be requested upon a written request submitted to the DPO of ELI ERIC.

V. Processing necessary for statistical purposes

ELI ERIC informs the Data Subjects that during the submission procedure, Data Subjects are requested to fill in proposal form where the Data subjects may specify their gender on a voluntary basis.

Purpose of the processing: ELI ERIC wishes to process gender data solely for statistical purposes in order to be able to measure the gender ratio of the researchers who are interested in the research equipment available in the Facilities.

Scope of the processed personal data: gender

Legal basis of the processing: consent given by the Data subject in accordance with Point a) of section (1) of Article 6. of the GDPR

Enforcement of the Rights of Data Subjects

General Rules

ELI ERIC would like to inform the Data subjects that they are entitled to exercise certain rights (set out in Chapter III. of the GDPR) related to their personal data processed by ELI ERIC (as Controller) by submitting an e-mail to the following address: **dpo[@]eli-laser.eu** or by sending a written request via post to the following address: Za Radnicí 835; Dolní Břežany, 252 41, Czech Republic.

ELI ERIC will be able to execute such requests within the timeframes indicated below only if the Data subjects properly identify themselves when exercising their data protection rights, otherwise, if the Data subjects do not identify themselves properly, ELI ERIC may refuse to act on such requests.

ELI ERIC responds to the requests related to the processing of the personal data of the Data subjects in writing without undue delay and in any event within 1 month of receipt of the request. This timeframe may be extended by an additional 2 months for a total length of 3 months, should such requests prove to be particularly complex. In this case, ELI ERIC always informs the Data subjects about the extension of the timeframe.

Where the data subject makes the request by electronic form means, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject. When requested by the Data subjects, the information may be provided orally, provided that the identity of the Data subjects is proven by other means.

As a general rule, ELI ERIC provides information free of charge. Where requests from a Data subject are manifestly unfounded or excessive, in particular, because of their repetitive character, ELI ERIC may either:

- (a) charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or
- (b) refuse to act on the request.

Certain Rights of the Data Subjects

Right to Information:

Data subjects are entitled to request information on the processing of their personal data. The respond shall cover the information specified in Article 15 (1) of the GDPR, insofar as the information of the Data subject cannot be refused by law. The Controller shall take appropriate measures to provide the Data subject with all information concerning the processing of personal data referred to in Articles 13 and 14 of the GDPR and notification in accordance with Articles 15 to 22 and Article 34 of the GDPR shall be provided in a concise,

transparent, comprehensible and easily accessible form, in a clear and comprehensible manner.

The notification is, in principle, free of charge, and the Data controller may charge a fee only in the case specified in Article 12 (5) (a) of the GDPR.

The Controller shall reject the request for information only for the reasons specified in Article 12 (5) (b) of the GDPR, and this may only be done in writing, with due justification and appropriate information.

Right to Correction and Deletion (right to be forgotten):

Inaccurate data shall be corrected by the Controller and shall take steps to delete the processed personal data if the reasons set out in Article 17 of the GDPR exist.

Data subjects shall have the right to request the deletion of the personal data concerning them without undue delay and the Controller shall delete the personal data concerning them without undue delay, in particular if one of the following reasons exists:

- personal data are no longer required for the purpose for which they were collected or otherwise processed;
- Data subjects withdraw their consent and there is no other legal basis of the processing;
- Data subjects object to the processing and there is no overriding legitimate reason for the processing or the Data subjects object to the processing for the direct acquisition of business;
- personal data have been processed unlawfully;
- personal data were collected in connection with the provision of information society services to children under the age of 16.

Right to object to the processing:

Data subjects are entitled to object to the processing of their personal data at any time by submitting a request to the Controller. The Controller shall no longer process the personal data unless the Controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the Data subjects or for the establishment, exercise or defence of legal claims in accordance with Article 21 of the GDPR.

Right to restrict the processing:

In accordance with Article 18 of the GDPR, the Data subjects have the right to request the Controller to restrict the processing of their personal data if

- the data subject disputes the accuracy of the personal data (in this case, the restriction applies to the period of time that allows the Controller to verify the accuracy of the personal data);
- the processing is unlawful and the Data subject opposes the deletion of the data and instead requests that their use be restricted;
- the Controller no longer needs personal data for the purpose of the processing, but the Data subject requests it in order to submit, enforce or protect legal claims.

Restriction of processing means that the Controller does not process the personal data affected by the restriction, except for storage, or only to the extent to which the Data Subject has consented, or the Controller may, in the absence of such consent, handle the data necessary to protect the rights of another natural or legal person or in the overriding public interest of the Union or of a Member State of the European Union.

The Right to Data Portability:

Data subjects are entitled to receive the personal data that the Controller processes. Furthermore, Data subjects have the right to have these personal data transmitted to another Controller, unless the Controller considers this action not to be technically feasible.

Automated Decision Making in Individual Cases, Including Profiling:

Automated decision-making does not take place during the Controller's data processing activity described in this present data protection information notice.

Right to Compensation for Damage Caused by Unlawful Data Processing:

The Controller shall also reimburse the damage caused to others by the unlawful processing of the data subject's personal data and by the breach of data security requirements, furthermore the damages caused by the personal data breach by the Controller. The Controller shall be released from liability for the damage caused and the obligation to pay damages if the Controller proves that the damage or the violation of the data subject's personal rights was caused by an unavoidable cause outside the scope of the processing. Likewise, it does not compensate for damage if it was caused by the intentional or grossly negligent conduct of the injured party.

Right to Legal Remedy:

The relevant legal remedy or complaint may be addressed by the Data subject to the Controller's following e-mail address: **dpo[@]eli-laser.eu** directly or to the Data Protection Authority of the Czech Republic (The Office for Personal Data Protection (posta[@]uouu.cz; Pplk. Sochora 27, 170 00 Praha 7, Czech Republic) or to the European Data Protection Board's e-mail address: **EDPB-DPO[@]edpb.europa.eu**.

According to Article 79 of the GDPR proceedings against a Data controller shall be brought before the courts of the Member State where the controller has an establishment. Alternatively, such proceedings may be brought before the courts of the Member State where the data subject has his or her habitual residence unless the controller is a public authority of a Member State acting in the exercise of its public powers.