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| **REGISTER NUMBER:** |
| **NOTIFICATION FOR PRIOR CHECKING** |
| Date of submission:    Case number:   Institution:   Legal basis: Article 25 of the regulation CE 45/2001(1) |
| *(1) OJ L 8, 12.01.2001* |

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| **INFORMATION TO BE GIVEN**(2) |
| *(2) Please attach all necessary backup documents* |

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| **1/ Name and address of the controller**  Agency for the Cooperation of Energy Regulators (the ‘**Agency**’)  Trg republike 3  1000 – Ljubljana  Slovenia |
| **2/ Organisational parts of the institution or body entrusted with the processing of personal data**  The Agency’s department in charge of processing of the personal data is the Director’s Office.  Mr. Alberto Pototschnig, Director of the Agency  Postal address:  Trg republike 3  1000 – Ljubljana  Slovenia  Phone number: 082053409  Email: alberto.pototschnig@acer.europa.eu |
| **3/ Name of the processing**  Agency’s Register of CVs (hereinafter referred to as “CVs Register”) of the Agency Working Group (AWG) Chairpersons and Vice-Chairpersons and Task Force Convenors and Publication of the Register on the website of the Agency. |
| **4/ Purpose or purposes of the processing**  The purposes of the processing is the following:   * Establishment and operation of a register of CVs of AWG Chairpersons and Vice-Chairpersons and Task Force Convenors (hereinafter referred to as the “Register”) pursuant to the European Parliament Decision of 3 April 2014 C7-0328/2013 – 2013/2240(DEC); * Publication of yearly extracts of the Register on the Agency’s Website in line with Article 14(5) of Regulation (EC) No 713/2009 and the European Parliament Decision of 3 April 2014 C7-0328/2013 – 2013/2240(DEC)) and the AB Decision n˚ 02/2015 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 31 January 2015 laying down a policy for the prevention and management of conflicts of interest; * Provision of information to the AWG Chairpersons and Vice-Chairpersons and Task Force Convenors and the Director of the Agency in order to ensure transparency of decision-making process, and prior and/ex ex-post detection of conflict of interests; * Provision of information to the public in order to ensure transparency of decision-making process and ensure detectability of conflict of interests by the public itself; * Improvement of transparency of decision-making process.   The European Parliament, in its Decision of 3 April 2014 on discharge in respect of the implementation of the budget of the European Agency for the Cooperation of Energy Regulators for the financial year 2012 (C7-0328/2013 – 2013/2240(DEC)) observed that the CVs of the experts are not publicly available, and called on the Agency to remedy the situation as a matter of urgency.  In particular, the European Parliament, at point 11 of the above mentioned Decision, observed that “*the CVs and declarations of interests of the Board of Regulators' members, the Director, senior management and the experts participating in the Agency's expert groups, as well as the CVs of the Administrative Board and Board of Appeal's members are not publicly available; calls on the Agency to remedy the situation as a matter of urgency*.”  The AWGs can form an important part in the preparatory work of the Agency, even though they do not have decision-making powers as such. Due to the AWG’s relatively wide composition, the power of individual AWG members to influence the development of the work related to the Agency’s deliverables, with decisions taken at the level of the Director or of the Board of Regulators, remains limited.  On the basis of the Agency’s internal risk assessment, it was determined that AWG Chairpersons and Vice-Chairpersons and Task Force Convenors can effectively steer the preparation of Agency deliverables and should therefore be subject to greater scrutiny as concerns the existence of (potential) conflicts of interest compared to other AWG members. AWG Chairpersons and Vice-Chairpersons and Task Force Convenors shall therefore be subject to the same level of scrutiny as Board members.  For that purpose, each AWG Chairperson, Vice-Chairperson and Task Force Convenor shall provide his/her CV indicating his/her professional experience and educational background, the attendance to trainings/seminars, as well as publications.  Those CVs shall be made public annually.  On 31 January 2015 the Administrative Board of the Agency for the Cooperation of Energy Regulators adopted a decision laying down a policy for the prevention and management of conflicts of interest, reiterating and further formalizing the procedures related to the annual submission of the CV of AWG Chairpersons, Vice-Chairperson and Task Force Convenors.  In addition, the purpose of establishing the Register is to collect within one system all CVs of AWG Chairpersons, Vice-Chairpersons and Task Force Convenors for the entire length of their mandate. The Register aims to enhance the overall transparency and integrity of the decision-making process, enabling also ex-post review of conflicts of interest. By providing access to the Register in line with Regulation (EC) No. 1049/2001, the Register facilitates overall transparency and integrity of the decision-making process. Similarly, the publication on the website of the CV of AWG Chairpersons, Vice-Chairpersons and Task Force Convenors, the public can also act in a timely manner and raise potential conflict of interests, increasing the overall accountability of the Agency Working Groups and Task Forces. |
| **5/ Description of the category or categories of data subjects**  The following categories of data subjects can be identified:   1. AWG Chairpersons, Vice-Chairpersons and Task Force Convenors. |
| **6/ Description of the data or categories of data**  CVs contain:   1. Name and Surname; 2. Professional experience; 3. Education; 4. Training/seminars; and 5. Publications. |
| **7/ Information to be given to data subjects**  Data subjects will be informed that their data contained in the CV (attached to this Notification Form, as Annex 1) will be publicly available in line with Article 14(5) of Regulation (EC) No 713/2009 and the European Parliament Decision of 3 April 2014 C7-0328/2013 – 2013/2240(DEC)) during the calendar year and afterwards, for additional 5 years after the discharge for the budgetary year to which the declaration relates, in line with Regulation (EC) No. 1049/2001.  The controller provides the data subject with a *privacy statement* (attached to this Notification Form, as Annex 2) containing the following information:   1. the identification data (categories of data collected and processed); 2. the legal basis of the processing operation; 3. the purposes of the processing operation for which the data are intended; 4. the recipients of the data processed; 5. the measures to protect and safeguard the data; 6. data subject rights (including the existence of the right of access to, and the right to rectify, the data concerning him or her); 7. the data storage and data retention policy; 8. the identity and contact details of the data controller; 9. the right to have recourse at any time to the Data Protection Officer and the European Data Protection Supervisor. |
| **8/ Procedures to grant rights of data subjects**  The rights of data subjects are defined by Regulation (EC) No 45/2001. In particular, data subjects have the right of access, rectification, blocking of data, erasure, if such needs arise and are duly supported by evidence.  Any modification of data collected by the Agency in the CV will be automatically updated in the Register, together with the evidence provided or the connected request**.**  Further, in relation to personal data within the Register, data subjects can directly request the Agency (using contact email address: [dpo@acer.europa.eu](mailto:remit@acer.europa.eu)) to:   1. clarify their rights; and 2. delete or amend such data, if such need arises and is supported by evidence.   Finally, the data subjects may, at any time, consult the data controller, processing the personal data, or have recourse to the Data Protection Officer of the Agency and to the European Data Protection Supervisor (contact details for DPO and EDPS will be part of the data privacy disclaimer, please see Annex 2 to this notification). |
| **9/ Automated / Manual processing operation**  Personal data are subject to manual and automated processing operations for the registration, updating, access to and erasure of files contained in the Registry. |
| **10/ Storage media of data**  Data will be physically stored and locked at the Register at the Secretariat responsible for the AWGs, and electronically within the Register on a restricted domain accessible only to authorised staff members.  Data will be also stored for the relevant calendar year on the Agency website. |
| **11/ Legal basis and lawfulness of the processing operation**  *Legal basis*:  Article 1, 2 and 16 of Regulation (EC) No 713/2009 and the Decision of the European Parliament of 3 April 2014 on discharge in respect of the implementation of the budget of the European Agency for the Cooperation of Energy Regulators for the financial year 2012 (C7-0328/2013 – 2013/2240(DEC).  AB Decision n˚ 02/2015 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 31 January 2015 laying down a policy for the prevention and management of conflicts of interest.  *Lawfulness of the processing*:  The processing is carried out in line with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.  In line with Article 5(a) of Regulation (EC) No. 45/2001, processing is necessary for the performance of a task carried out in the public interest on the basis of Article 14(5) of the Regulation (EC) No 713/2009 and the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof and in the legitimate exercise of official authority vested in the Agency to whom the data are disclosed.  In addition, in line with Article 5(b) of Regulation (EC) No. 45/2001, the processing of personal data is necessary for compliance with the legal obligations to which the controller is subject.  Furthermore, processing is adequate, relevant and not excessive in relation to the purpose for which data are collected and further processed. |
| **12/ The recipients or categories of recipient to whom the data might be disclosed**  In line with the purposes of data processing, the data is disclosed to the following recipients or categories of recipients:   1. For the current year: 2. Staff of the Agency; 3. The review panel[[1]](#footnote-1); 4. Director of the Agency; 5. the general public. 6. For the precedent years up to 5 years after the end of the discharge for the budgetary year to which the declaration relates: 7. Staff of the Agency; 8. Director of the Agency; 9. Other entities entitled to access the data pursuant to Regulation (EC) No. 1049/2001.   If appropriate, access will be given to the European Court of Auditors, the European Ombudsman, the European Data Protection Supervisor, the European Court of Justice. If requested, personal data can also be disclosed to the European Anti-Fraud Office (OLAF). |
| **13/ Retention policy of (categories of) personal data**    The data retention period is foreseen for 5 years after the discharge for the budgetary year to which the declaration relates. |
| **13 a/ time limits for blocking and erasure of the different categories of data  (on justified legitimate request from the data subject)**  In line with the Agency’s policy for the prevention and management of conflicts of interest (AB Decision n˚02/2015) by 31 January of every year (by 30 April in 2015, the first year of application of the new Policy), AWG Chairpersons, Vice-Chairpersons and Task Force Convenors are requested to submit an updated CV, which will then form part of the supporting document for the examination of the declaration of interest forms.  The Curriculum Vitae and the declarations of interests of the AWG Chairpersons, Vice-Chairpersons and Task Force Convenors are published on the Agency’s website.  Any change in the situation included in the CV, which may be of relevance for the appraisal of the conflict of interest, should be directly communicated to the Chair, Vice-Chair and to the Director. CVs are substituted whenever an update is necessary and not on an annual basis.  Personal data will be erased after 5 years of the date of the discharge for the budgetary year to which the declaration relates.  Such period can be extended if necessary for the purpose of investigation including personal data. |
| **14/ Historical, statistical or scientific purposes**  Not Applicable |
| **15/ Proposed transfers of data to third countries or international organisations**  Not Applicable |
| **16/ The processing operation presents specific risk which justifies prior checking**  Not Applicable |
| **17/ Comments**  Not Applicable |
| **18/ Measures to ensure security of processing *(3)* *these measures are described in Article 22 of Regulation 45/2001.***  Prior to publication, processing of personal data within the Register, will be protected by:   * Limited access only to Authorised Staff Members of the Agency and to the Review panel; * Verification that CVs do not contain unsolicited data, not necessary for the purpose of the processing; * Erasure of signature and non-relevant or excessive data on the version to be published on the website.   Further to publication, there cannot be any unauthorised access, however, no modifications of such data will be possible, unless duly requested according to Regulation 45/2001. |

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| PLACE AND DATE: Ljubljana, Slovenia; 17.3.2015  For the DATA PROTECTION OFFICE: Paul Martinet  INSTITUTION OR BODY: Agency for the Cooperation of Energy Regulators |

**Annex 1 – Curriculum vitae**

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| **Name** |  |
| **Position / Involvement in the Board or Agency** |  |
| **Professional experience** |  |
| **Education** |  |
| **Training/seminars** |  |
| **Publications** |  |

**I understand that the Curriculum vitae will be processed according to the Policy for the prevention and management of conflicts of interest, entered in a register held by the Agency and published on the Agency’s website.**

**Please note that the Agency will ensure that your personal data hereby submitted is processed in line with Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data[[2]](#footnote-2). For more details on the processing of your personal data, see the privacy statement applicable to your situation.[[3]](#footnote-3)**

1. See for its composition section 4.2.3.2 of the Annex to Decision AB No 02/2015 of 31 January 2015. [↑](#footnote-ref-1)
2. OJ L8, 12.01.2001, p.1. [↑](#footnote-ref-2)
3. <http://www.acer.europa.eu/The_agency/Pages/Data-Protection.aspx> [↑](#footnote-ref-3)