****Last updated on 9 April 2015

**PRIVACY STATEMENT ON:**

**Processing of Declarations of Interest**

The Agency for the Cooperation of Energy Regulators (the ‘Agency’) processes the personal data of staff and seconded national experts in line with Regulation (EC) N° 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.

**Identity of the controller in practice**

The processing/review of the Declarations of Interest (‘DoI’) forms, made by the staff members and seconded national experts (‘SNE’), will be done by the data subject’s hierarchical superior (together with the Head of Department in case the hierarchical superior is not also the Head of Department) in all departments of the Agency. A legal advisor/officer/assistant in the concerned Department will also review the DoI forms. Finally, the Director, acting as Appointing Authority, will also review the DoI forms in case a decision must be taken.

The Agency’s HR department will be collecting and storing the DoI forms (the hard copy in the personal file of the staff member or SNE and stored in a safe at the HR department, the scanned version in a Register of Declarations with limited access rights).

**Purpose of processing**

The purpose of the processing is to allow the Agency to verify whether the staff member or SNE meets his obligation to carry out his/her duties independently, objectively, impartially and in keeping with his/her duty of loyalty to the European Union (‘EU’).

**Legal basis and lawfulness of the processing operation**

The staff member’s obligation to carry out his/her duties independently, objectively, impartially, and in keeping with his/her duty of loyalty to the European Union. This principle has been laid down in various articles of the Staff Regulations and the Conditions of Employment of Other Servants (CEOS), which apply to the staff of the Agency pursuant to Article 28 of Regulation (EC) No 713/2009 (cf. Articles 11, 11a, 12, 13, 15, 16, 17 and 19 of the Staff Regulations).

Both for staff members and SNEs, the specific duty to submit a declaration of interest is laid down in Chapter 4.1 of the Annex to 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, which was on its turn based on Article 28 of Regulation (EC) No 713/2009.

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 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. Consequently, upon their entry into service/secondment, the Agency staff members/seconded national experts shall submit their duly signed Declarations of Interests. Replying to the questions in the Declarations of Interest is obligatory[[1]](#footnote-1) and failure to do so may give rise to disciplinary action.

**Recipients of the data processed**

The data of a particular staff member or SNE is disclosed to the following recipients or categories of recipients:

1. The member(s) of the HR team responsible for the personal file of the staff member or SNE concerned;
2. His/her hierarchical superior, his/her Head of Department in case the hierarchical superior is not also the Head of Department, and a legal advisor/officer/assistant of the Department concerned.

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).

**Categories of data collected and processed**

The DoI contains:

* Name and Surname;
* Position/involvement in the Board or Agency;
* Any interest that the data subject considers prejudicial to his/her independence in the performance of his/her duties, such as:
* Private interests, including interests held by their close family members (spouse, partner and/or dependent children) such as:
* Employment held or any other professional relationship entered into in the recent past (it is suggested that this covers current interests as well as those held over at least the last five years), including consultancy, legal representation or advice with natural or legal entities or organizations with an interest in the field of activity of the Agency;
* Membership of managing bodies, advisory body or equivalent structure in entities or organisations active in a field of activity of the Agency or having voting rights in such organisations;
* Membership or affiliations creating a potential conflict of interests;
* Research funding in the forms of grants, rents, sponsorships, fellowships, non-monetary support received from entities or organisations active in a field of activity of the Agency;
* Investments in a commercial entity with an interests in the field of activity of the Agency, including holding of stocks and shares, stock options, equity, bonds, partnership interest in the capital of such undertaking, one of its subsidiaries or a company in the capital of which it has a holding and which amounts to more than 10,000 EUR per commercial entity or entitling to a voting right of 5% or more in such commercial entity.
* Any other interest that the data subject considers prejudicial to his/her independence in the performance of his/her duties as member of the Administrative Board.
* Signature.

**Date when processing starts**

In line with the Agency’s policy for the prevention and management of conflicts of interest (AB Decision n˚02/2015), the Agency staff member or SNE shall submit their duly signed DoI in paper upon their entry into service to the HR team. For those staff members or SNEs already present at the Agency upon entry into force of the AB Decision, the DoIs are collected by 30 April 2015).

**Data storage and data retention policy**

The DoI statement of the staff member or SNE will be added to his/her personal file. The data will be stored and locked physically in a safe accessible only to the HR team of the Agency. The data will also be uploaded electronically in a Register of Declarations, accessible on a restricted domain only to Agency staff who are authorised hereto. The data is retained for 5 years after the end of employment.

**What are your rights as a data subject?**

Your rights as a data subject are foreseen in Section 5 of Regulation 45/2001. Those rights include access, rectification, blocking, and erasure of your personal data.

Should you wish to exercise your rights, please contact the Controller by using the Contact Information below and by explicitly specifying your request.

Special attention is drawn to the consequences of a request for deletion, in which case any trace to be able to contact you will be lost.

If you feel your Data Protection rights have been breached you can file a complaint with the Agency’s Data Protection Officer or have recourse to the European Data Protection Supervisor (see below).

**Contact information**

Should you wish to exercise your rights, or if you have any questions regarding the information processed in the context of the submitted declaration of interest, the declaration of commitment or Curriculum Vitae, feel free to contact the HR team, operating under the responsibility of the Controller of the specific staff member, using the following contact information:

Human Resources (HR) ream

E-mail: [HR-info@acer.europa.eu](mailto:HR-info@acer.europa.eu)

Postal address:

Agency for the Cooperation of Energy Regulators

Trg republike 3

1000 – Ljubljana

Slovenia

**Recourse**

You may have recourse at any time to the Agency’s Data Protection Officer:

Data Protection Officer

E-mail: [DPO@acer.europa.eu](mailto:DPO@acer.europa.eu)

Postal address:

Agency for the Cooperation of Energy Regulators

Trg Republike 3

1000 Ljubljana

Slovenia

Complaints can be addressed to the [European Data Protection Supervisor](http://www.edps.europa.eu/).

1. This obligation derives from Decision AB No 02/2015 of 31 January 2015 laying down a policy for the prevention and management of conflicts of interest. [↑](#footnote-ref-1)