

## DATA PROTECTION NOTICE – Prevention and management of conflicts of interests applicable to the bodies of Europe's Rail Joint Undertaking PO-6-04

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*Prevention and management of conflicts of interests applicable to the bodies of Europe's Rail Joint Undertaking involves processing of personal data, which shall comply with Regulation (EU) N° 2018/1725<sup>1</sup> (the "Regulation").*

This data protection notice explains how the Europe's Rail Joint Undertaking (here after referred to as "EU-RAIL") 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.

EU-RAIL 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 processed for the sole purpose of applying the rules for the prevention and management of conflicts of interest applicable to the members of the bodies of the EU-RAIL listed under Article 91(1) of the [Europe's Rail Regulation](#) in order to ensure the handling of situations where potential conflicts of interest may arise in a transparent and consistent manner.
- Collecting and screening declarations of confidentiality and non-conflict of interests signed by all members of the S2R JU bodies before appointment, after appointment (in a yearly basis) and spontaneously at any time in the course of their duties (ad-hoc Declaration).
- As per the EU-RAIL [Financial Rules](#) and the EU-Rail Governing Board decision on the [prevention and management of conflicts of interests applicable to the bodies of Shift2Rail Joint Undertaking](#), the names of the Members of Governing Board, the Scientific steering group, the States Representatives Group, the System Pillar steering group and the Deployment Group shall be published on the EU-Rail's website. In addition, The CVs and declarations of conflict of interest by the Members of the Governing Board shall be available for public scrutiny in the EU-Rail web site with due respect to the applicable EU rules on protection of personal data and access to documents.

### Which personal data do we process?

Personal data:

- Personal details (e.g.: name, surname, e-mail address)
- Financial information
- Education
- Membership of a professional association
- Profession

Information on outside activities or previous employments could reveal sensitive data related to:

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<sup>1</sup> 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").

- Political preferences
- Philosophical or religious convictions
- Trade union membership

In this case, EU-Rail team will request the member of the EU-Rail body not to disclose this information and EU-Rail will erase it before publication.

### **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: Political preferences (art. 10 §2 (b) Regulation 2018/1725 (processing necessary for exercising specific controller rights/obligations under employment, social security or social protection law), Philosophical or religious convictions (art. 10 §2 (b) Regulation 2018/1725 (processing necessary for exercising specific controller rights/obligations under employment, social security or social protection law)).
- Public Interest Article 5 a) of Regulation 2018/1725: Political preferences (art. 10 §2 (b) Regulation 2018/1725 (processing necessary for exercising specific controller rights/obligations under employment, social security or social protection law)), Philosophical or religious convictions (art. 10 §2 (b) Regulation 2018/1725 (processing necessary for exercising specific controller rights/obligations under employment, social security or social protection law)).

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

Controller: The Europe's Rail Joint Undertaking legally represented by Mr Giorgio Travaini, Executive Director, White Atrium building – 2<sup>nd</sup> floor, 56-60 Avenue de la Toison d'Or 1060 St Gilles, Bruxelles.

No personal data is currently processed by external processors.

### **How is Shift2Rail Joint Undertaking processing the personal data?**

See the EU-RAIL JU [Data Protection & Legal Notices](#) web page 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
- Staff dealing with this processing operation is designated on a need-to-know basis

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

The following might have access to your personal data:

- EU-RAIL staff (Executive Director; legal and administrative team; Data Protection Officer)
- Individuals/organisations in direct relationship with controller: Chairperson and Vice chair person of the relevant EU-RAIL body
- Data subject themselves

- The general public: the names of the Members of Governing Board, the Scientific steering group, the States Representatives Group, the System Pillar steering group and the Deployment Group shall be published on the EU-Rail's website. In addition, The CVs and declarations of interest by the Members of the Governing Board shall be available for public scrutiny in the EU-Rail web site (<https://shift2rail.org/about-europes-rail/europes-rail-structure-of-governance/europes-rail-governing-board/>) with due respect to the applicable EU rules on protection of personal data and access to documents

### **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 EU-Rail Data Protection Officer at [Data-Protection@rail-research.europa.eu](mailto:Data-Protection@rail-research.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: Personal details; Financial information; Education; Profession; Membership of a professional association.

### **Complaints, concerns and recourse**

Should you have any complaint or concern you may contact:

- the Data Protection Officer of the Europe's Rail Joint Undertaking at [Data-Protection@rail-research.europa.eu](mailto:Data-Protection@rail-research.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](mailto: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 Europe's Rail Undertaking can be obtained in the EU Rail [Data Protection Register](#) and in the [privacy notices](#) published in the EU-Rail web site.