

01 - Name of processing	Collection and Publication of Declarations of Interests (Dols) and CVs of ERA Board Members
02 - Reference	56
03 - Submission Date	26-06-14
04 - Last update	22-06-20
05a - Controller	Clio LIEGEOIS
05b - Unit-Sector	ERA
05c - Controller's email	managementboard@era.europa.eu
06 - DPO	DataProtectionOfficer@era.europa.eu 120 Rue Marc Lefrancq, 59300 Valenciennes, France Tel.+33 (0) 32 70 96 500
07 - Name and contact details of joint controller (where applicable)	
08a - Who is actually conducting the processing? (Article 31.1(a))	The data is processed by ERA (responsible unit) itself
08b - Name and contact details of processor (where applicable)	

09 - Purpose of processing

The main purpose of the processing of personal data regarding the collection and publication of declarations of interests of the Administrative Board members and alternates aims to safeguard the integrity and accountability of the European Railway Agency as an EU institution by ensuring impartiality, objectivity and independence of the Administrative Board members and alternates and by allowing control by the public.

As described in the ERA Administrative Board Conflict of Interests Policy, its purpose is to “establish the principles governing impartiality of the members of ERA’s Board and their alternates”, by defining, among others, “the measures to ensure their practical application in order to prevent and mitigate the risk that past, current or future interests might improperly influence the impartiality of the Board members during the performance of their duties”, as well as “types of conflicts of interest and procedures for identifying and handling them”.

The processing operations supporting the procedure for the collection and publication of declarations of Interests may, thus, be regarded, in general, as an important step to ensure such independence and, therefore, clearly serve a public interest. More specifically, the publication of the declarations of interests is essential to safeguard the independence of the individuals concerned and their acting in the interest of the EU. Publication may, also, be necessary to allow control by the public and/or peers in fields which require specific expertise and market knowledge, in particular in agencies, where it might need to rely on additional checks-and-balances by other experts in this field. In this case, publication may be necessary to encourage public trust by showing the public that persons appointed to high political and management posts have no conflicts of interest.

The main purpose of the processing of personal data included in the ERA

10a - Data Subjects

Any member or alternate of the ERA Administrative Board. In practice, that concerns the appointed for a term of office of five years (or re-appointed only once) representatives of each Member State, four representatives of the European Commission, as well as six representatives, without right to vote, at European level, from the railway undertakings, infrastructure managers, railway industry, workers unions, passengers and freight customers.

The sector representatives are appointed by the European Commission from a shortlist of three names submitted by their respective European organisations.

It should be noted that Norway participates since 2005 to the ERA Administrative Board as a member without a right to vote.

10b - Personal data

The following fields of personal data of the Board members are collected and further processed for the above-mentioned purposes:

A) For the publication of Declaration of Interests (Dols):

1) Name and first name of the Board Member concerned

2) Data relating to interests: 1) information on employment with a company or an organisation, 2) information on consultancy, legal representation, advice with a company or an organisation, 3) information on membership of a Managing Board or equivalent structure of a company or an organisation, 4) information on membership of an Advisory Board or equivalent structure of a company or an organisation, 5) information on other membership or affiliation, 6) information on research funding from a company or an organisation, including grants, rents, sponsorships, fellowships, non-monetary support, 7) information on investments in a company or an organisation, including holding of stocks and/or shares, stock options, equity, bonds, partnership interest in the capital of such undertaking, one of its subsidiaries or a company (of a value above 10,000 EUR per company or shares, stocks or comparable amounting to a voting right of 5% or more [notwithstanding their financial value]) and 8) other relevant information.

3) Name and first names of spouses or members of the household of the Board Member concerned, if any interests are concerned and included in the Declarations of Interests, will not be collected and thus not published.

4) The data requested concern Title/Function, including for close family members, period of activity (within past 5 years), name of company or organisation, description of the activity (including contracts with ERA, as well as Products, Projects, and/or Activity references as per the ERA Work Programme).

B) For the publication of CVs on the ERA Website:

1) Name and last name, indication of the function in the Administrative Board (member or alternate), member state or organisation which the data subject

11 - Time limit for keeping the data

All personal data included in the Declarations of Interests are kept during the term of office (normally 5 years, renewable once) of the data subject as member or alternate of the Administrative Board and remain publicly available on the ERA website for the same period.

After the end of the term of office the data are kept in the ERA archives for two years after the end of the budgetary year in order to allow the European Parliament discharge procedure.

All personal data included in the CVs remain publicly available on the ERA website during the whole term of office of the Board members concerned. After the end of the term of office they are removed from the website, kept for two years in the archives of the Administrative Board and then destroyed.

12 - Recipients of the data

Declarations of Interests of the Board Members are published on the ERA website. The Declarations of Interests (addressed to the Chair of the Board) are received by the ERA Board Secretariat who is managed by staff members of the Agency. Declarations of Interests are also disclosed to the members of the Conflict of Interests Review Panel (CoIRP), which is established as an advisory body, available to the Board, for advice on matters related to (potential) conflicts of interest of Board members, namely for the assessment of the Public Declarations of Interests (PDols) and is composed of the Chair of the Board and, as alternate, the Deputy Chair of the Board, a European Commission representative to the Board and, as alternate, a European Commission official, a legal expert from the ERA staff as non-voting secretary and one legal expert from Shared Resources Department of DG MOVE as non-voting adviser.

The CVs of the Management Board and Executive Board members and alternates are made publicly available on the ERA website.

13 - Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?

N/A

14 - How is data stored? What are the security measures implemented?

Access to the paper files and the computer drive is restricted and given only to the recipients of the processing.

15 - For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable) see the data protection notice

a) There is a part of ERA's website that is specifically dedicated to Management Board and Executive Board with all relevant information and documents pertaining to its members and alternates, meetings and decisions. Declarations of Interests and CVs of the Board members are made publicly available through the relevant section of ERA's website.

b) Data subjects are duly informed about the fact that their personal data contained in the Declarations of Interests and in the CVs are being made publicly available and, more specifically, about the extent to which the processing might include its public disclosure. They are, also, informed about their rights through the relevant "privacy statement" which is posted on the ERA's Extranet, providing information to data subjects on their rights to access, rectify, object or erase their personal data or lodging a complaint with the EDPS in case they consider that their rights under Regulation 45/2011 have been infringed as a result of the processing of personal data by the ERA for the above mentioned purposes.

In case the data subject concerned wishes to modify or delete his/her personal data, he/she is kindly invited, through the relevant privacy statements, to contact the data controller by writing to the ERA Management Board Secretariat at ManagementBoard@era.europa.eu.

For any questions related to his/her rights, the data subject may, also, contact the Data Protection Officer of the Agency at DataProtectionOfficer@era.europa.eu.

16 - Legal Basis

Agreement of the ERA Administrative Board adopted during meeting No. 34 on 26 November 2014; ;#Art. 25 of Regulation (EC) No. 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European railway agency (Agency Regulation); ;#Decision of the European Parliament of 3 April 2014 on discharge in respect of the implementation of the budget of the European Railway Agency for the financial year 2012; ; ERA Administrative Board Conflicts of Interest Policy adopted during meeting No. 35 on 24 March 2015; ;#European Commission's Guidelines on the prevention and management of conflicts of interest in EU decentralised agencies, dated 10.12.2013; ;#Resolution of the European Parliament of 3 April 2014 with observations forming an integral part of its Decision on discharge in respect of the implementation of the budget of the European Railway Agency for the financial year 2012;

17 - Lawfulness of processing

Processing is necessary for compliance with the legal instruments mentioned under the legal basis. The processing is lawful, since it is necessary in line with art. 5 (a) of Regulation (EC) 45/2001 for the performance of a task carried out in the legitimate exercise of official authority vested in the Community institution or body or in a third party to whom the data are disclosed.

With a view to striking the right balance between the public interest of transparency and the individual's rights to privacy and data protection when managing declarations of the conflicts of interest of people working for it, the European Railway Agency collects Declarations of Interests for certain categories of individuals whose senior positions require a high degree of impartiality in the performance of their duties ("High Management and political posts", according to the EDPS Guidelines on the processing of personal data with regard to the management of conflicts of interest in EU institutions and bodies, dated 8.12.2014), which, alone, justifies the obligation to declare their interests.

Management Board members and their alternates are carefully selected by Member States and the European Commission on their merits and knowledge. Therefore, it could be reasonably expected that no member would ever use his or her position for personal gain; on the contrary, Management Board Members (and their alternates) shall undertake to act in the public interest and shall not be guided by personal interest or outside influences. There is clearly a legitimate public interest in knowing that any potential conflicts are monitored, in order to ensure that the decisions and actions of officials, experts or others working for the EU institutions, are not influenced by their private interests.

Therefore, there is a legitimate interest in publishing certain declarations of interests to foster trust in EU institutions, as the existence of procedures to screen conflict of interests indicates a culture of integrity. In other words, the publication

18 - Data minimisation

19 - Accuracy

20 - Access and other rights of persons whose data is processed

21 - Special category data

22 - DPIA

23 - Link to the Threshold assessment-Risks

24 - Other related documents