



Confidentiality Statement and Data Protection Notice

The present Confidentiality Statement and Data Protection Notice (hereinafter 'statement') applies to:

- Members of the Management Board, the Executive Director, the Scientific Committee and Scientific Panels, Working Groups, peer review meetings and any other meeting on a subject matter dealt with by the aforementioned scientific bodies, as well as members of the Advisory Forum and networks, in line with their written declaration to comply with the obligation of professional secrecy pursuant to Article 339 TFEU, as recalled in Articles 37 and 39d(4) of the General Food Law Regulation (EC) No 178/2002¹ and Article 17(1) and (2) of EFSA's Executive Director laying down practical arrangements concerning transparency and confidentiality ('EFSA's Practical Arrangements')²;
- Any representative of the national competent organization of a EU Member State or staff member of the Commission, in line with Article 39d(2) of the General Food Law Regulation (EC) No 178/2002 and Article 16(3) and (4) of EFSA's Practical Arrangements;
- Any member of EFSA's staff, in accordance with the obligation of professional secrecy set out in Article 339 of TFEU and Article 17 of the Staff Regulations of officials and the Conditions of Employment of other servants of the European Union³, as reminded in Article 17(3) of EFSA's Practical Arrangements;
- Any temporary worker, trainee, external consultant, external service provider, interim, consultant, contractor, EFSA stakeholder, insofar as applicable in accordance with the relevant contract with EFSA;

By accepting this Confidentiality Statement, I hereby declare that:

1. I am entitled to receive access to information, data, datasets, metadata related to EFSA's work,
2. In case an EFSA account is created by means of username and password, allowing me to access EFSA information, EFSA's IT System and tools (e.g. Connect.efsa.europa.eu, Document Management System), this access password shall be strong and shall be kept for myself and not be shared with anyone else. The same security level must be kept in the custody of other physical and non-physical identification instruments related to EFSA's IT System accesses (e.g. but not limited to: EFSA's data for VPN

¹ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1), as last amended.

² Available online at https://www.efsa.europa.eu/sites/default/files/corporate_publications/files/210111-PAS-transparency-and-confidentiality.pdf

³ OJ 45, 14.6.1962, p. 1385.



- access, smartphone, OTP hardware devices or other security token). Access rights shall be used only for carrying out the mandate, task, contract or assignment with EFSA,
3. If my work entails access to information classified as Sensitive or Internal as per EFSA's [Information Management Policy](#) (see also the chapter entitled "Definitions" below and the '[Legal notice](#)' page on EFSA's website), I am aware of the requirements for the protection and handling of such information. This includes also confidential information, i.e. information for which confidentiality requests have been submitted, or which have been awarded confidential status in accordance with Articles 39-39e of the General Food Law Regulation (EC) No 178/2002,
 4. I will take all necessary measures so that any Sensitive Information or Internal Information to which I get access is not made public or disclosed to unauthorised parties,
 5. I agree and commit to use information, data, datasets, metadata received from EFSA exclusively for the purpose for which it was made available to me and not to divulge, publish or otherwise make it available to any third party without prior written consent of EFSA, also after completion of the relevant assignment with EFSA. My duty of confidentiality regarding the information exists *vis-à-vis* any third party, including employees, employers, colleagues or affiliates, and the general public,
 6. I agree and commit not to use the information, data, datasets, metadata received from EFSA, EFSA's IT System or elaborated on EFSA's behalf, through any informatic tool or process, including the EFSA's DMS, for a personal benefit or that of any third party, at any point in time;
 7. In case of sharing, under the conditions set out in point 5 above, of Sensitive Information or Internal Information for purposes deriving from EFSA's regulatory framework with third parties external to EFSA, I am responsible for this information sharing and for collecting the commitment by the receiving party:
 - to comply with the same confidentiality and safety storage requirements as outlined in the present Declaration for any information brought to his or her attention,
 - not to have any onward divulgation of the information to any other third parties,
 - not to use the information for his or her personal benefit or that of any other third party,
 - to continue complying with the above obligations, even after completion of my mandate, task, contract or assignment,
 - to dispose securely of any physical or downloaded copies, including those taken from the DMS, after completion of the relevant assignment with EFSA,
 8. For any user not working with the IT infrastructure provided by EFSA: I ensure that I have in place IT and physical solutions to ensure safe storage of the sensitive or internal information, included data, datasets and metadata. This includes applying appropriate technical and organisational measures to ensure the secure use of the IT System and adhere to any instruction EFSA might provide for this purpose. This also includes disposing securely of the information in any downloaded copies or otherwise after completion of the relevant assignment with EFSA,
 9. I commit to making good any damages caused to EFSA as a result of a breach of any of the above conditions, having been clearly informed by EFSA with regards to the protection and handling of confidential information as specified above.
 10. I commit to report any suspected or actual security weakness, threats, events or incidents to EFSA information and/or IT System to InformationSecurityOfficer@efsa.europa.eu



Nothing in this Declaration shall be interpreted as preventing compliance with public access and data sharing requirements set out in Union or national law.

For acceptance,

Name:

Affiliation:

Signature:

Date:

Signed Declarations shall be submitted to: EFSAProcurement@efsa.europa.eu



Definitions

For the purposes of this statement, the following definitions part of the EFSA Information Management Policy apply:

- *'document'* any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility⁴. In particular, an electronic document is a data set input stored on any type of medium by a computer system or a similar mechanism, which can be read or displayed by a person or by such a system or mechanism, and any display or retrieval of such data in printed or other form⁵; including e-mails.
- *'IT System'* any system, service, application or tool belonging to EFSA's IT infrastructure (e.g. DMS) including third party systems, services, applications or tools used by EFSA.
- *'Public Information'* information handled by EFSA that is published or ready to be published.
- *'Sensitive Information'* information or documents that EFSA must protect because of legal obligations laid down in the Treaties or in legal acts adopted in implementation thereof, and/or because of its sensitivity; including confidential information in accordance with art. 39-39e of the General Food Law Regulation (EC) No 178/2002. *'Internal Information'* when the information handled by EFSA is not for the public but is not sensitive either, it shall be treated as EFSA internal information.

Data protection notice

Regulation (EU) 2018/1725⁶ 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 (hereinafter "the Data Protection Regulation"), is applicable in the context of the use of EFSA's IT infrastructure (hereinafter "IT system(s)"). In accordance with Article 15 of the Data Protection Regulation, EFSA informs you on the following:

1. Purposes of the processing

- To create user accounts for internal and external IT system users, allowing them to access the IT system according to the individual use permissions set for carrying out their tasks and responsibilities in EFSA's operations;
- To ensure secure use by means of the personalised user accounts;
- To produce anonymous user statistics on IT systems;
- To update user accounts on request or to suspend or block these to ensure continuous alignment with tasks and responsibilities assigned to individuals, the time period of employment at or service provision to EFSA, or for information security reasons;
- To ensure the security of the IT systems and individual user accounts as well as to protect the documents and information, including personal data it contains.

⁴ Art. 3(a) of Regulation (EC) No 1049/2001

⁵ Art. 3 decision 2004/563/EC

⁶ Regulation (EU) 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. OJ L 295, 21.11.2018, p. 39-98.



2. Legal basis of the processing

The data processing by means of the use of the EFSA IT Systems stems from EFSA's mission and tasks in accordance with the General Food Law Regulation (EC) No 178/2002.

3. Personal data processed

Without prejudice to personal data contained in documents and information uploaded in IT Systems, personal data is processed differently depending on the software used. For instance, personal data processed in the EFSA Document Management System concern the encrypted personalized access credentials of users and the logfile on their sign-in activities, detailing user name, time stamp of sign-in and IP address. Personal data will only be used by authorized recipients and not be used for any unrelated purposes, including commercial marketing.

4. Recipients

- EFSA Transformation Services staff (TS), in charge of monitoring and ensuring the functionality and security of EFSA IT systems, the EFSA Information Security Officer, IT consultants providing Service Desk user assistance under TS supervision.
- The Computer Emergency Response Team for the EU Institutions and Agencies (CERT-EU) in the context of an investigation or inquiry of security incidents.

5. Data retention

Any user account data related to EFSA IT systems is kept by EFSA until the account is disabled. In case an account remains inactive for maximum 2 years, it will be disabled by EFSA after proper notification in advance to the user.

6. Further information

Each system forming part of EFSA's IT infrastructure has proper technical characteristics which have been assessed on compliance with the Data Protection Regulation. Personal data processed by means of EFSA IT systems are stored in datacentres and/or different facilities located in the European Economic Area.

7. Your rights as a data subject

You are entitled to access your personal data and rectify, block or delete it in case the data is inaccurate or incomplete. You can exercise your rights by contacting the EFSA Transformation Services (Data Controller), by writing to: servicedesk@efsa.europa.eu

You have the right to lodge a complaint regarding the processing of your personal data in the context of EFSA's IT systems with the European Data Protection Supervisor (<http://www.edps.europa.eu>).

8. Data Protection Officer

Should you need more information or advice on the processing of your personal data in the context of EFSA's IT systems, you may contact the EFSA data protection officer, writing to DataProtectionOfficer@efsa.europa.eu. I also shall have the right of recourse at any time to the [European Data Protection Supervisor](http://www.edps.europa.eu) concerning the processing of my personal data by EFSA.