



EUROPEAN MEDICINES AGENCY
SCIENCE MEDICINES HEALTH

9 December 2020
EMA/641439/2020
Stakeholders and Communication Division

European Medicines Agency privacy statement

For the publication of post-employment decisions regarding senior staff
(Article 16 of Staff Regulations)

This privacy statement explains the most essential details of the processing of personal data by the European Medicines Agency (hereinafter 'EMA' or 'the Agency') in the context of the publication of post-employment decisions regarding EMA's (former) staff on the Agency's corporate website.

1. Who is responsible for processing your data?

1.1. Who is the data controller?

EMA is ultimately responsible for complying with your data protection rights and freedoms. On behalf of EMA, the Head of the Stakeholders and Communication Division is appointed as the 'internal controller' to ensure the lawful conduct of this processing operation.

You may contact the Internal Controller via the following email address:
s-datacontroller@ema.europa.eu.

2. Purpose of this data processing

The purpose of this data processing activity is the publication of post-employment decisions regarding EMA's (former) senior staff on the Agency's corporate website.

In accordance with [Article 16 of the Staff Regulations](#), EMA staff members are required to seek permission to engage in an occupation within a period of two years of leaving the Agency. Applications are reviewed to establish any potential competing interests. If so required, based on an opinion of the Agency's Joint Committee, the Executive Director issues a decision that may impose restrictions on the staff member, to mitigate any potential competing interests.

EMA publishes all decisions regarding its former senior staff issued as of November 2020 on its corporate website. This follows the mandatory requirement of Article 16(3)-(4) of the Staff Regulations stating that, '*each institution shall publish annually information on the implementation of the third paragraph, including a list of the cases assessed.*'

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For the purposes of this activity, the definition of senior staff refers to the Executive Director, the Deputy Executive Director, Advisers¹, Heads of Division, Heads of Task Force and the Head of Legal Department.

2.1. Personal data concerned

In this processing operation, EMA processes data collected from the application form submitted by EMA staff members seeking permission to engage in an occupation after leaving the Agency in accordance with Article 16 of the Staff Regulations.

Data published on EMA's corporate website on decisions concerning former senior staff include the following:

- Name of former senior staff member concerned
- Date of departure
- Type of post held at the Agency
- A brief description of the duties carried out during the last three years of service
- Name of the intended future employer and the job title, or a brief description of intended self-employment activities
- Date of the Executive Director's decision
- Restrictions applied

2.2. Legal basis of the processing

The publication of post-employment decisions regarding EMA's senior staff on the Agency's corporate website is necessary for the performance of the Agency's tasks carried out in the public interest as required by Regulation (EC) No 726/2004, Directives 2001/83/EC and 2001/82/EC and other applicable Union legislation. In particular, the processing of data is necessary for the performance of tasks carried out in the public interest as provided for under Articles 16(3)-(4) of the Staff Regulations.

2.3. Transfer of personal data outside of EU

Citizens of third countries can access the data published on EMA's corporate website.

3. How long does EMA keep these data?

EMA keeps personal data regarding post-employment decisions on EMA former senior staff as part of their personal file. Personal file retention period applies (personal files are kept for up to 8 years after the extinction of all rights of the person concerned and of any dependants, but until at least 120 years after the date of birth of the data subject). It deletes these data from the corporate website two years after the staff member concerned has left the Agency.

¹ Minutes of the 100th MB meeting: https://www.ema.europa.eu/en/documents/minutes/minutes-100th-meeting-management-board-6-7-june-2018_en.pdf. Decision of the European Medicines Agency concerning the function of advisor or equivalent (Management Board Decision - EMA/MB/296715/2018)

4. Who has access to this information and to whom is it disclosed?

Staff within the EMA's organisational entities responsible for the processing of the application (including members of the Joint Committee) and for publication of the information on the EMA corporate website process the data collected.

Any member of the general public can have access to the data after their publication on the website.

5. Your data protection rights

As data subject (i.e. the individual whose personal data are processed), you have a number of rights:

- **Right to be informed** – This privacy statement provides information on how EMA collects and uses your personal data. Requests for other information regarding the processing may also be directed to the internal controller.
- **Right to access** – You have the right to access your personal data. You have the right to request and obtain a copy of the personal data processed by EMA.
- **Right to rectification** – You have the right to obtain - without undue delay - the rectification or completion of your personal if it is incorrect or incomplete.
- **Right to erasure** – You have the right to require EMA to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing. In certain cases, your data may be kept to the extent it is necessary, for example, to comply with a legal obligation of the Agency, or if it is necessary for reasons of public interest in the area of public health.
- **Right to restrict processing** – In a few, codified cases, you have the right to obtain the restriction of the processing, meaning that your data will only be stored, but not actively processed for a limited period of time. For more information about this right and its limitations, see EMA's general privacy statement: www.ema.europa.eu/en/about-us/legal/privacy-statement.
- **Right to object** – You have the right to object at any time to this processing on grounds related to your particular situation.

The rights of the data subject can be exercised in accordance with the provisions of Regulation (EU) 2018/1725. For anything that is not specifically provided for in this privacy notice, please refer to the contents of EMA's general privacy statement: www.ema.europa.eu/en/about-us/legal/privacy-statement.

6. Recourse

If you have any questions regarding the processing of your personal data, or you think that the processing is unlawful or not in compliance with this privacy statement or EMA's general privacy statement, please contact the **internal controller** at s-datacontroller@ema.europa.eu or the **EMA Data Protection Officer** at dataprotection@ema.europa.eu.

You also have the right to lodge a complaint with the **European Data Protection Supervisor (EDPS)** at any time:

- Email: edps@edps.europa.eu
- Website: www.edps.europa.eu
- Further contact information: www.edps.europa.eu/about-edps/contact_en