

# GN5-1 Privacy Policy

11 April 2023

**Dissemination Level:** PU  
**Owner:** GDPR Coordinator  
**Author:** Magdalena Rzaca  
**Doc Ref:** GN5-1-23-0592B0  
**Version:** 3.0  
**Status:** Approved by the General Assembly on 5<sup>th</sup> June 2023, Tirana, Albania  
**Approval:** Unanimously approved by the General Assembly via resolution GA(23)026  
**Scope:** GN5-1 Project



Co-funded by  
the European Union

©GÉANT Association on behalf of the GN5-1 Project (Grant Agreement No. 101100680)

## Document Revision History

Version	Date	Description of change	Person
1			
2		<ul style="list-style-type: none"> <li>• Adding national laws to the Data Protection Legislation definition,</li> <li>• Added number of the Grant Agreement;</li> <li>• Adding provision 5.1.5;</li> <li>• Corrected typos (GN5-1 hereinafter as GN5 and consistently as GN5 in the text);</li> <li>• Added: in line with Chapter V in art. 6.1;</li> <li>• Rewriting art. 7.2</li> </ul>	Magdalena Rzaca
3	14/03/23	<p>Final revision</p> <p>Changed scope from GN5 to GN5-1 project as agreed with the PMO</p> <p>As a result of the 2<sup>nd</sup> Privacy infoshare: added article 8.7 and 12</p> <p>A version including all the changes between v.2 and v.3 is available at the wiki:</p> <p><a href="https://wiki.geant.org/pages/viewpage.action?spaceKey=GPPP&amp;title=GN5-1+Project+Privacy+Policy+Home">https://wiki.geant.org/pages/viewpage.action?spaceKey=GPPP&amp;title=GN5-1+Project+Privacy+Policy+Home</a></p>	Magdalena Rzaca, Francesca Pegazzano, Technical Author

## Table of Contents

Introduction	1
1 Definitions	2
2 Context and Purpose	3
3 Scope of the Privacy Policy	3
4 Role of the GDPR Coordinator	4
5 Overview of Data Protection Principles	4
6 Transfer of Personal Data	5
7 Confidentiality and Security of Personal Data	5
8 Cooperation between Partners	5
9 Data Protection Impact Assessment	6
10 Breach of the Policy	7
11 Revision	7
12 Dispute resolution	7

## Introduction

The joint forces of Europe's National Research and Education Networks (NRENs) and the GÉANT Project (including GN1, GN2, GN3, GN3plus and GN4) have been a vital element in Europe's e-infrastructure strategy and innovation for more than 15 years. It is important for the GÉANT Project as a truly pan-European collaboration to have an appropriate privacy framework in place. As the next iteration of the GÉANT Project – GN5-1 (the Project) – started in January 2023, this has provided an ideal opportunity to introduce a privacy policy to serve as a guideline for this next stage of the Project.

Lack of privacy compliance can lead to data breaches, which can have significant financial consequences – but most importantly could seriously harm the reputation of both the Project and the project partners. The financial consequences of an infringement could also significantly impact GÉANT's operations as the Coordinating Partner of the Project. What is more, in the case of lack of privacy compliance, grants could also be reduced. This privacy policy aims to help in mitigating these strategic, financial and reputational risks and in preserving the trust of the community, which is critical for GÉANT's activities.

## 1 Definitions

- 1.1 **Controller** – the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.
- 1.2 **Data Subject** – any living individual who is the subject of personal data held by an organisation.
- 1.3 **Personal data** – any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- 1.4 **Processing** – any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- 1.5 **Processor** – a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.
- 1.6 **Project** – The GN5-1 Project (see 1.7 Agreement).
- 1.7 **Agreement** – The GÉANT Specific Grant Agreement (Grant Agreement No. 101100680) under which the Project is funded by the European Union's Horizon Europe research and innovation programme (hereinafter: GN5-1).
- 1.8 **Partners** – the entities participating in the Project as Beneficiaries, Affiliated Entities and Associated Partners according to the meaning given to the term under the Agreement.
- 1.9 **Participant** – any other legal or natural person or other entity engaged by the Partner to Participate in the Project or provide any services in relation to or connected to the Project or product necessary for the implementation of the Project.
- 1.10 **Work Package Leader/Task Leader** – the representative of a Partner leading a specific work package or task within the Project.
- 1.11 **Data Protection Legislation** – applicable privacy and data protection legislation, in particular the General Data Protection Regulation (GDPR) as well as any relevant national laws of the Partners.
- 1.12 **GÉANT** – GÉANT Vereniging, an association registered with the Chamber of Commerce in Amsterdam, The Netherlands (registration number 40535155) and with registered office at Hoekenrode 3, 1102 BR, Amsterdam, The Netherlands.
- 1.13 The **Coordinating Partner** – GÉANT Vereniging (GÉANT).
- 1.14 **Privacy Policy** – this Policy (GN5-1 Privacy Policy).

## 2 Context and Purpose

### 2.1 Context

- 2.1.1 Taking into account that, in line with the Agreement, Partners shall take appropriate steps to ensure compliance with Data Protection Legislation, this Policy serves to fulfil this purpose.
- 2.1.2 The main aims of the Project are to accelerate research, drive innovation and enrich education, activities that brings challenges for the protection of Personal Data. Therefore, all the Partners involved in the Project are committed to ensuring that processing of Personal Data in the Project is done in support of the objectives set out in the Agreement, and in accordance with legal obligations: in particular with the Data Protection Legislation, for the benefit of the Project, the Partners, the GÉANT community and, most importantly, society at large.

### 2.2 Purpose of the Privacy Policy

- 2.2.1 The intent of this Privacy Policy is to (i) provide a privacy framework; (ii) mitigate strategic, financial and reputational risk related to processing of personal data; (iii) preserve the trust of the community, which is critical for the successful delivery of the current or any future Project; and (iv) encourage and support cooperation between the Partners and the wider research community.
- 2.2.2 This policy describes how the Project is committed to all aspects of personal data protection, in particular to protect the rights and freedoms of individuals whose information is processed, and takes seriously its duties under the Data Protection Legislation.

## 3 Scope of the Privacy Policy

- 3.1 This Privacy Policy applies to processing of Personal Data within the Project. The scope of this policy covers processing of Personal Data within the Project, including data protection compliance within Project deliverable/s.
- 3.2 This Privacy Policy applies to:
  - a) Partners (including GÉANT) – in activities connected to processing Personal Data in the Project only; and
  - b) Participants in activities related to processing Personal Data in the Project.
- 3.3 This Policy constitutes an understanding that shall be binding for the Project's Partners and Participants once adopted by the General Assembly and published on the Project website.
- 3.4 This Policy shall be published on the Project's intranet and Project website and provided as part of the onboarding process to any Partner and/or Participant.
- 3.5 Additionally, this Policy may be used as a guideline for any other projects for which Privacy guidelines are lacking.

## 4 Role of the GDPR Coordinator

- 4.1 The GDPR Coordinator is a role appointed by GÉANT with the responsibility of overseeing the processing of Personal Data within the Project and the implementation of this Policy, as well as of supporting the Partners and Participants with their privacy-related questions.
- 4.2 The responsibilities of the GDPR Coordinator shall include, but are not limited to:
- a) Promoting privacy awareness;
  - b) Supporting the privacy compliance review of deliverables created within the Project;
  - c) Supporting the preparation of Data Processing Agreements, Joint Controllers Agreements or other necessary agreements related to the Project.
  - d) Providing further privacy-related support.
- 4.3 The GDPR Coordinator can be contacted at: [gdprcoordinator@geant.org](mailto:gdprcoordinator@geant.org)
- 4.4 Whenever a data protection issue arises, the GDPR Coordinator shall be involved by any Partner and/or Participant and/or Task Leader and/or Work Package Leader and/or other relevant Participant at an early stage in the process of resolution of such issue, and the GDPR Coordinator shall support the Partner and/or Participant in resolving the privacy issue.
- 4.5 The GDPR Coordinator – in agreement with the relevant Task Leader and/or Work Package Leader – will support them in conducting privacy audits of the Project deliverables.

## 5 Overview of Data Protection Principles

- 5.1 The Partners – and Participants – involved in the Project are committed to the protection of Personal Data by compliance with the Data Protection Legislation, including adherence to the data protection principles requiring that Personal Data:
- 1) Shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.
  - 2) Shall be collected only for specified, explicit and legitimate purpose. It must not be further processed in any manner incompatible with those purposes.
  - 3) Shall be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.
  - 4) Shall be accurate and, where necessary, kept up to date. Every reasonable step must be taken to ensure that data which is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay.
  - 5) Shall not be kept in a form which permits identification of the data subject for longer than is necessary for the purposes for which the data is processed. Personal Data may be stored for longer periods provided it is processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes. This is subject to the implementation of appropriate data security measures designed to safeguard the rights and freedoms of Data Subjects.

- 6) Shall be processed in a manner that ensures its appropriate security. This includes protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.
- 5.2 Each processing activity of Personal Data pursued within the Project shall be performed in accordance with the data protection principles mentioned above.
- 5.3 Additional due diligence is required when **special categories of personal data** (personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health, or data concerning a natural person's sex life or sexual orientation) are processed.
- 5.4 The Partners and Participants shall apply privacy by design and privacy by default principles as expressed in art. 25 GDPR.
- 5.5 Where a Project deliverable involves processing of Personal Data, the relevant Work Package Leader/Task Leader with the help of the GDPR Coordinator shall define the manner in which the Data Subjects shall be informed of the data processing pursuant to art. 13-14 GDPR.

## 6 Transfer of Personal Data

Project Partners and Project Participants shall take care that personal data is not transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the 'rights and freedoms' of data subjects in relation to the processing of Personal Data or there is appropriate safeguard in place in the form of binding corporate rules, standard data protection clauses adopted by the European Commission, an approved code of conduct, or an approved certification mechanism in line with Chapter V of the GDPR.

## 7 Confidentiality and Security of Personal Data

- 7.1 Partners and Participants must ensure the confidentiality and security of Personal Data processed within the Project. In particular, appropriate technical and organisational measures to ensure a level of security appropriate to the risk shall be implemented, including as appropriate e.g. pseudonymisation and encryption of personal data.
- 7.2 Personal Data shall be accessible within the Project on a 'need-to-know' basis, i.e. data shall be available only to those who need to use it and access shall be granted only to Personal Data that is necessary for the management of the specific work package or task. Each Partner and Participant shall implement role-based access to such data within their organisation.

## 8 Cooperation between Partners

- 8.1 The Project Partners agree to cooperate in order to ensure the highest standard of data protection within the Project and especially for each deliverable involving processing of Personal Data for the implementation of the Project.
- 8.2 For each deliverable developed within the Project, the Partners with the support of the GDPR Coordinator will determine privacy roles (Controller, Processor or joint controllers) for each



Partner involved and shall sign an adequate agreement regarding the distribution of data protection duties.

- 8.3 Should any Partner detect a data breach in the Project context (any breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored or otherwise processed), apart from complying with Article 33 and Article 34 of the GDPR, it shall notify all other Partners and the GDPR Coordinator of the breach.
- 8.4 In case of any doubts regarding data protection in the Project, the Partners and their staff should contact the GDPR coordinator at [gdprcoordinator@geant.org](mailto:gdprcoordinator@geant.org) to make sure that the processing activity in question is in compliance with the relevant regulations.
- 8.5 For the Personal Data processed for the purposes of the coordination of the Project, GÉANT – as the Coordinating Partner – shall act as Controller, with all the ensuing obligations. In particular, GÉANT shall prepare a privacy notice for the Project Participants which should be made available on the Project intranet and on the GÉANT website.
- 8.6 Whenever Personal Data within the Project is processed and information is needed to be provided for the record of processing activities in line with art. 30 GDPR, the Participants involved in the specific processing activity will cooperate with the GDPR Coordinator in order to provide all necessary information. Additionally, the Participants will cooperate with other Partners and the GDPR Coordinator should they need their input into the Register of Processing Activities.
- 8.7 The Partners authorise the GDPR Coordinator to contact their Data Protection Officers and coordinate meetings to be held every 3 to 6 months where important privacy topics for the Project will be discussed.

## 9 Data Protection Impact Assessment

- 9.1 Whenever a specific processing activity performed within the Project, in particular a processing activity involving new technologies and/or entailing a high risk to the “rights and freedoms” of individuals, taking into account the nature, scope, context and purposes of the processing prior to the processing, a Data Processing Impact Assessment (DPIA) shall be carried to evaluate the impact of the envisaged processing operations on the protection of Personal Data. A single DPIA may address a set of similar processing operations that present similar high risks.
- 9.2 Where, as a result of a Data Protection Impact Assessment (DPIA), it is clear that a particular processing activity would result in high risk in the absence of measures to mitigate it, the matter shall be discussed with the GDPR Coordinator who will refer it to the relevant supervisory authority.
- 9.3 Whenever Personal Data within the Project is processed on the basis of legitimate interest, a Legitimate Interest Assessment (LIA) shall be carried out.
- 9.4 Templates for the DPIA and LIA can be obtained from [gdprcoordinator@geant.org](mailto:gdprcoordinator@geant.org).

## **10 Breach of the Policy**

Any deliberate breach of this policy as well as of the Data Protection Legislation may have serious consequences and a serious negative impact on the Project, hence shall be reported to the GDPR Coordinator.

## **11 Revision**

- 11.1 This Policy will be revised bi-annually by the GDPR Coordinator. The results of the review will be presented to the Project Management Board and the General Assembly.
- 11.2 Any changes to this Policy must be approved by the General Assembly.

## **12 Dispute Resolution**

Any internal disputes or questions of interpretation arising in relation to this Privacy Policy must be in the first instance referred to the GDPR Coordinator for consideration and mediation by the Project Oversight Committee.