

Data Protection FAQ for COST Actions

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1. What is GDPR? Where does it apply? To whom does it apply?

The General Data Protection Regulation (GDPR) applicable as of 25 May 2018.

GDPR is the Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data" dated 27 April 2016.

GDPR applies everywhere in the EU (and European Economic Area) with the same legislation.

It applies to every person or legal entity based in the EU but also outside the EU if they have activities within the EU which process personal data (except for domestic purposes).

2. Does GDPR concern COST Actions and COST Action participants?

A COST Action participant is concerned at two levels:

- As a data subject yourself (see privacy notices of the COST Association related to the use of [e-COST](#) and on [website](#));

- As part of a COST Action, you may be in the situation of being a controller (see hereunder for more information) or the processor on behalf of the COST Association.

3. What is personal data?

A personal data is any information relating to a person (identified or identifiable). E.g. email address, telephone number, name, first name, date of birth, address, IP address (because it can be connected to users having that IP address at that moment), pseudonymized data (with the list of pseudos, or if pseudonyms are traceable) etc.

4. What is a controller / processor ?

A controller is any person, company, public authority processing personal data and defining the purposes and means of this processing; e.g. COST, an administration, a shop, the Management Committee of the COST Action when it takes decision to collect and process personal data for the purpose of organising an event, the GH collecting personal data for their own administration purposes.

A processor is any person, company, public authority processing personal data on behalf of a controller. In the case of a COST Action, this will mainly be the Grant Holder (the legal entity, not their staff).

5. I have a question on the processing of my personal data within COST – What do I do?

Check first the privacy notice for [e-COST](#) and for the [COST website](#).

Should you not find what you search, refer to COST Association Privacy team with an email to privacy@cost.eu or directly to the Data Protection Officer.

6. Did COST take the necessary actions in order to be GDPR compliant?

Yes we did.

Data processings that occur in the framework of a COST Action via e-COST have been recorded and are listed in the privacy notice for [e-COST](#).

Should you however spot a data processing that is not detailed in the above mentioned privacy notice, please:

- Check the FAQs hereunder, some data processings indeed shall require action from the COST Action itself;
- If not found hereunder, refer the case to the COST Association Privacy Team with an email to privacy@cost.eu or directly to the Data Protection Officer. We will inquire into the case and take action or instruct you towards possible action.

7. What are the data processing occurring in the framework of a COST proposal / Action that are detailed in the e-COST Privacy notice?

- Creation of an e-COST profile;
- In the framework of a submission of a COST Action proposal: Processing of personal data in order to:
 - bring support;
 - proceed to evaluation;
 - proceed to selection by the Scientific Committee (based on SESA);
 - transfer of personal data to CNCs for Action Management Committee nomination;
 - transfer of personal data to COST Members for reporting purposes.
- In the framework of a COST Action: Processing of personal data in order to:
 - ensure your participation and to assess whether you are entitled to reimbursements and to special grants;

- provide you with access in e-COST and all related tools;
- reimburse you;
- invite you to participate in COST success stories, to events or conferences;
- monitor participation, quality of the management, impact on career or of networks as such, results;
- report to the COST Members, the Commission and the Belgian State (fiscal and audit obligations);
- inform third parties (publication on COST website).
- transfer your contact details to journalists for media interviews.

8. I am a COST Action participant, who in my COST Action and outside has access to which of my personal data in e-COST / on COST website?

e-COST is built in such way that the access rights to personal data are tailored to functions within the COST Action.

COST Action Participants being no MC members have access to personal data of participants of their COST Action and of other COST Actions as shown on COST website.

The MC members, substitutes and observers have access to full contact details and role in the Action of the COST Action Participants, the Action participants candidates, the contact details for requests for International Cooperation.

An STSM coordinator will have on top of their access to the same data as any other MC members, access to contact details of STSM applicants and home and host institutions contact points.

Action Chair and Vice-Chair have access to the personal data they need to be able to perform their tasks as Action Chair/Vice-Chair, i.e. full contact details and role in the COST Action of the COST Action Participants, the STSM applicants and home and host institutions contact points, the Action participants candidates, the contact details for requests for International Cooperation.

Grant Holder Scientific Representative and GH staff have access on top of contact details to claim requests, bank accounts and others that are required to proceed to their tasks for financial, scientific and administrative coordination purposes of the Action. The Action Grant Agreement contains a revised article on data protection in line with GDPR containing provisions regarding data protection for the Grant Holder. The AGA [template](#) is available to read on COST website for those interested.

As some roles can be combined, the access rights will also fit to the combined roles (e.g. An Action Chair or Vice-Chair being at the same time Grant Holder Scientific Representative will therefore have access to all the personal data that both functions require).

9. As COST Action, what should we do on top of the actions taken by COST to be compliant with GDPR?

Check whether the COST Action itself is processing personal data outside of e-COST that need to be recorded (as controller), be legally justified (i.e. receive a legal basis) and be documented in a privacy notice published on the COST Action website.

The COST Association has identified mainly two sets of possible personal data processings places which shall be looked at into details by the COST Action:

1. The COST Action website

The COST Action website generally contains more personal data about the COST Action than the COST Association website / e-COST.

On the other hand, the consultation of a COST Action website involves data processing when it makes use of cookies (e.g. tracking cookies) or when it allows registering for newsletters, events...

- Publications on COST Action website

Publications of personal data on a website (e.g. all participants' names and emails addresses, pictures of events...) is a data processing.

Publication on COST Action website that go beyond what is published on COST Association websites (as detailed in the privacy notices for [e-COST](#) and for the [COST Association website](#)), shall have a legal basis.

The more reasonable legal basis for publications of those personal data for COST Actions is to rely on consent of the concerned people (article 6.1.a of the GDPR). In Annex I, you will find a template document to register consent of COST Action participants not being MC members for publication of their personal data on the COST Action website. It is recommended to limit the personal data published on the web to what is reasonably required for the people to be contacted (i.e. Title, name, first name, email address, Institution of affiliation and the country where the institution stands and possibly a phone number and expertise of the person).

Note that it is not enough that people sign a registration list to consider that they consented to their names being published on the Action website.

Note that someone who did give consent can always retrieve his/her consent. The consent remains valid for past publication but the publication should be retrieved for the future.

The same line of reasoning applies for other publications where consent could not be undubiously deducted from actions of the person (e.g. no extra consent is required to publish the name of a person who authored an article...).

- Cookies

Cookies are small text files that are placed on your computer by websites that you visit. They are widely used in order to make websites work, or work more efficiently as well as to provide information to the owners of the site.

Cookies are of two kinds:

- Essential cookies that are necessary for using a website. Those cookies may not be refused by the user of the website (examples are a session cookie, authentication cookies, user-centric security cookies, used to detect authentication abuses, for a limited persistent duration, multimedia content player cookies, used to store technical data to play back video or audio content, for the duration of a session, load-balancing cookies, for the duration of session, user-interface customisation cookies such as language or font preferences, for the duration of a session (or slightly longer), third-party social plug-in content-sharing cookies, for logged-in members of a social network.
- Non-essential cookies that are all the other ones and require consent of the user.

The regulation about cookies is not new and the contractor that has set up the website should have developed such a page.

Should that not be the case, the cookie policy on [e-COST](#) or the [COST Association website](#) can be used as models.

Further, the websites of the Data Protection Supervisory authorities provide explanations about this (see for a list of European Data Protection, authorities, here http://ec.europa.eu/newsroom/article29/item-detail.cfm?item_id=612080).

- Newsletters or other website related data processings

When a COST Action sends newsletters, the registration of contact details and the sending of a newsletter is a data processing that needs to be recorded, find a legal basis (will be consent deducted from the registration of people or if emails addresses are registered without asking the people, the legal basis is legitimate purposes of the COST Action – this approach is otherwise not recommended) and be notified to the users (via a privacy notice posted on the website for ex).

You can find in Annex II a sample Privacy notice to amend according to your needs.

Note that someone who did consent can always retrieve the consent, i.e. the newsletters shall always contain the possibility to unsubscribe.

2. Photos, videos taken / made during COST Action meetings / events

Taking pictures / filming people and publishing pictures/videos during a meeting / an event is subject to the right of image of people. In most cases, taking pictures / filming someone and then making use of those media is subject to obtaining consent of the concerned persons.

There are exceptions to this principle:

- No consent (at all, i.e. picture may be taken and published) is required when the pictures present a crowd or an atmosphere.
However, the close-up picture of someone in the crowd requires the consent of the photographed person for the taking of the picture and for publication of the picture.
- No consent is required from public personalities in events where they act in their public role (i.e. a Commissioner, a Minister, a MEP... when acting as such).
- No consent is required when persons are on a picture by chance (i.e. you take a picture of a dedicated group of persons who have consented to it and someone passes by behind);
- No consent is required for journalists in some cases (right to information).

Concerned persons have the right to refuse being taken in photography / filmed or see their image used (i.e. published). Ask and register consent to take photographs/videos and make use of those. A sample text is in annex III. This could be combined with a general publication authorisation but have to leave the possibility to people to consent to the publication of their names and not of their picture.

Tips:

- When taking a “family” picture in an event / meeting, inform that the picture could be published, so that people not wishing to appear on the picture can go out.
- When organising events, a way to proceed is asking the question at the time of registration where photographs/videos are planned. This can be asked as a box to tick in registration form as follows:

I grant permission to the COST Action xxxx:

- to film and take pictures of me in the framework of the event; and
- to use and make use of those photographs and/or videos, on COST Action website.

I am informed that I have the right to withdraw the present consent at any time through email to xxxx

The consent shall be freely given, i.e. the box for registering consent shall not be pre-ticked.

Then, after registration, when preparing the nameplates of participants, a small but recognisable sign can be added on for those participants who have refused to be photographed / filmed and to the use of their image so that at the time of publication, it is easy to discriminate among pictures and delete the picture in case of accidental ones.

10. I am asked to / shall forward personal data of a COST Action participant outside of COST framework – what do I do?

If the personal data is public (i.e. on a website), no issue.

If the transfer is for compliance with legal obligations, this is also no issue (but the concerned persons shall be informed – think about including data processing for compliance with legal obligations that are not registered in e-COST or COST Association website privacy notices into the privacy notice of the website).

If the transfer is for any other reason, ask the concerned person whether she/he is in agreement with that transfer.

Transfer of personal data outside of the EU/EEA requires special care.

In case of doubt, you can always consult the COST Data Protection Officer (via privacy@cost.eu or directly).

CONSENT REGISTRATION FORM – TEMPLATE

This form aims at registering your consent (based on article 6.1.a of the GDPR) to: *[The aim of the form should be repeated at the top of each page so as to be sure that anyone signing is well informed of what they sign (see next page)]*

- publish your contact details (Title, name, first name, email address, Institution of affiliation and country, phone number and expertise) *[update the list as requested having in mind that the data provided are there for communication purposes and for the persons to be contacted. Personal data that are not necessary in this regard shall be avoided]* on the COST Action XXXXX website and other communications tools or publications for communication purposes.
- take and use pictures/videos where you appear taken or made during a meeting / an event of or related to the COST Action XXXX on the COST Action XXXXX website and other communications tools or publications for communication purposes.

You have the right to withdraw your consent at any time by sending an email to xxxx@xxxx (the Science Communication manager). Withdrawing your consent means that the collected personal data will not be used any longer. However, use made of your data in the past remains valid.

This form aims at registering your consent (based on article 6.1.a of the GDPR) to:

- publish your contact details (Title, name, first name, email address, Institution of affiliation and country, phone number and expertise) *[update the list as requested having in mind that the data provided are there for communication purposes and for the persons to be contacted. Personal data that are not necessary in this regard shall be avoided]* on the COST Action XXXXX website and other communications tools or publications for communication purposes.
- take and use pictures/videos where you appear taken or made during a meeting / an event of or related to the COST Action XXXX on the COST Action XXXXX website and other communications tools or publications for communication purposes.

You have the right to withdraw your consent at any time by sending an email to xxxx@xxxxx (the Science Communication manager). Withdrawing your consent means that the collected personal data will not be used any longer. However, use made of your data in the past remains valid.

Name	<i>Publication of contact details</i> <i>Contact details means:</i> Title, name, first name, email address, Institution of affiliation and country, <i>phone number and expertise (update as required)</i> <i>Yes – No</i> <i>Mention whether you do not want one of your personal data to be published</i>	<i>Authorisation to take pictures / make videos of you during a meeting / event of or related to the COST Action XXX and use it for communication purposes</i>	<i>Signature</i> <i>Date</i>

This form aims at registering your consent (based on article 6.1.a of the GDPR) to:

- publish your contact details (Title, name, first name, email address, Institution of affiliation and country, phone number and expertise) *[update the list as requested having in mind that the data provided are there for communication purposes and for the persons to be contacted. Personal data that are not necessary in this regard shall be avoided]* on the COST Action XXXXX website and other communications tools or publications for communication purposes.
- take and use pictures/videos where you appear taken or made during a meeting / an event of or related to the COST Action XXXX on the COST Action XXXXX website and other communications tools or publications for communication purposes.

You have the right to withdraw your consent at any time by sending an email to xxxx@xxxxx (the Science Communication manager). Withdrawing your consent means that the collected personal data will not be used any longer. However, use made of your data in the past remains valid.

Name	<p style="text-align: center;"><i>Publication of contact details</i></p> <p><i>Contact details means:</i> Title, name, first name, email address, Institution of affiliation and country, <i>phone number and expertise (update as required)</i></p> <p style="text-align: center;">Yes – No</p> <p><i>Mention whether you do not want one of your personal data to be published</i></p>	<p style="text-align: center;"><i>Authorisation to take pictures / make videos of you during a meeting / event of or related to the COST Action XXX and use it for communication purposes</i></p>	<p><i>Signature</i></p> <p><i>Date</i></p>

SAMPLE PRIVACY NOTICE

It is good practice to present the privacy notice in a layered format or with a table of content so that interested persons can go directly to the section that is of interest for them.

The privacy notice should be “one-click away”, i.e. a weblink to privacy notice shall be present on all pages of the website.

1. Data controller

Your personal data are processed by xxxx (institution who maintains the website – most probably the Grant Holder).

If you have any queries about the process or how we handle your information please contact us at:

Address: xxx

Email: xxx

Data Protection Officer (if any): xxxx

2. Who is concerned by this privacy policy?

Every COST Action participant and visitor of our website, people who use our services, e.g. who subscribe to our newsletter, as well as people who email us or chat with us (*keep as relevant*).

3. What information about you do we handle, why do we handle that information, what is the legal basis for those processings and for how long do we retain the information?

On top of the personal data collected and processed by the COST Association in the framework of this COST Action, for which you can consult the [privacy notice for e-COST](#),

As COST Action Participant,

Based on your consent (article 6.1.a) of the GDPR), we :

- publish your contact details on the COST Action XXXXX website and other communications tools or publications for communication purposes;
- take and use pictures/videos where you appear taken or made during a meeting / an event of or related to the COST Action XXXX on the COST Action XXXXX website and other communications tools or publications for communication purposes.

You have the right to withdraw your consent at any time by sending an email to xxxx@xxxxx (the Science Communication manager). Withdrawing your consent means that the collected personal data will not be used any longer. However, use made of your data in the past remains valid.

When you register for newsletters :

Based on your consent (article 6.1.a) of the GDPR):

- We collect and process your identification data (name, first name, title and email address) for registration and delivering of our newsletters. We use a service provider to deliver our newsletters. (yellow part to keep where relevant).

You may unsubscribe from our newsletters at any time. We will not keep your data once you have unsubscribed.

Based on our legitimate interests or those of the COST Association (article 6.1.f of the GDPR), (to keep only as relevant)

- When you register for newsletters, we gather statistics around email opening and clicks using industry standard technologies including clear gifs. This information is only processed in a way which does not identify anyone. We do not make any attempt to find out the identities of those visiting our website.

When you email us, chat with us or otherwise contact us:

We process your contact details, when required, in order to provide you with the requested support. This data processing is based on your consent (article 6.1.a of the GDPR).

When you register for events:

Based on your consent (article 6.1.a) of the GDPR):

When you register for events, we collect your identification data (name, first name, title, email address, and phone numbers) and professional data (position and institution).

When you register for events, we also ask you

- *whether you have special dietary requirements or other specific needs. Those data are collected for the organisation of the event.*

We do not keep your dietary requirements or other mentioned specific needs for longer than the event.

- *whether you are in agreement with us:*
 - *including your contact details in the list of participants to the event that is made available on the COST Action website / to all participants for networking purposes;*
 - *taking and using pictures during the event for promotional and information purposes.*

Not providing your consent for taking pictures is without impact on your participation to events, workshops or webinars.

The data we collect are kept as long as you do not oppose to it.

Add any other possible data processings specific to the COST Action

xxxxxxx

When you contact us to make use of your data subject rights:

We process your contact details and the proof of your identity you send us in order to address your request. We can also depending on your request process other personal data we have collected also in order to address your request.

This data processing is for compliance with legal obligations to which we are subject (article 6.1.c of the GDPR).

4. Use of service providers and transfer to third parties

This is the case when for newsletters or google analytics – keep or update as relevant.

We do have recourse to service providers to *deliver our newsletters (add on what is relevant)*.

Those service providers otherwise referred to as data processors are third parties who provide elements of support to us. We have contracts in place with our data processors. They cannot do anything with your personal information unless we have instructed them to do it. They will not share your personal information with any organisation apart from us. They will hold it securely and retain it for the period we instruct.

We do not transfer any of your data collected as mentioned above to any third party for commercial purposes.

5. How do we protect your personal data?

Your personal data are handled in full confidentiality. We make all necessary effort to take technical and organisational measures that might be required so as to ensure security of your personal data.

6. How long is the information retained for?

To be defined by (institution who maintains the website) for data processing which do not mention it already.

If we speak of emails and newsletters, it should be no longer than required to answer the demand.

Action website and its content is maintained for [minimum] 2 years after the end of the Action. [define as agreed upon by the MC]

7. Your rights

Under the General Data Protection Regulation (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (GDPR), you have rights as an individual which you can exercise in relation to the information we hold about you:

- right to request from us access to and rectification of your personal data;
- right to request erasure of your data (right to be forgotten) in the cases foreseen by article 17 of the GDPR ;
- right to obtain from us restriction of processing where there is contestation about the data processing for a period enabling to solve the issue;
- right to data portability;
- where the processing of your personal data is based on your consent, you have the right to withdraw your consent at any time. Withdrawing your consent means that we will not make use of your data any longer, including pictures. However, use made of your data in the past remains valid.

Your right to object

You have the right to object, on grounds relating to your particular situation, at any time to processing of your personal data which is based on Article 6(1), (f) of the GDPR (our legitimate purposes) as mentioned above.

To exercise those rights, please send us an email to xxx together with a proof of your identity or write us to the following address: xxx

Please note that you always have the right to lodge a complaint with the Supervisory authority of the EU country of your choice.

Authorisation of Taking and of Use of image

To be used in case the authorisation has not been granted through registration to an event or via Annex I.

I, _____, hereby grant permission to the COST Action xxxx:

- to film and take pictures of me in the framework of _____;
and
- to use and make use of those photographs and/or videos, COST Action XXXXX website and other communications tools or publications for communication purposes.

I am informed that I have the right to withdraw the present authorisation at any time through email to xxx@xxxx (*Science communication manager*). Withdrawing your consent means that the pictures of you will not be used any longer. However, use of your data in the past remains valid.

Done in xxx in two originals, one for the signatory and one for the xxx,

Signature: _____ Date: _____