

## **Data Privacy Policy for Clinical Research Groups (CRG) according to Art 13 and 14 GDPR**

### **1. General**

The Republic of Austria, represented by the Federal Ministry of Education, Science and Research (hereinafter referred to as BMBWF) has commissioned the Ludwig Boltzmann Gesellschaft (hereinafter referred to as LBG) to manage the funding program "Clinical Research Groups".

Within the scope of this processing, LBG must perform the following activities in particular: Preparation of the call for proposals, handling of the selection procedure, preparation of the funding decision, drawing up and concluding funding contracts or notifying the applicants of rejection, project support, funding handling (control of the proper use of the funding), reclaiming of funding, participation in the interim and final evaluation, public relations.

These activities are carried out in the name and for the account of the BMBWF.

A funding agreement has been concluded between the Republic of Austria represented by the BMBWF, which is represented by the LBG as the funding processing agency, and the lead institution and the cooperation partners of the clinical research group as funding recipients.

Further to the funding provided by the BMBWF, LBG receives addition funds from Fonds Zukunft Österreich in order to implement the funding programme "Clinical Research Groups".

### **2. Note on the existence of joint responsibility**

In the course of implementing the funding program, personal data is processed, with the BMBWF and the LBG acting as joint controllers within the meaning of Art. 26 GDPR. The rights and obligations of these controllers in the joint processing of personal data are regulated in the agreement pursuant to Art. 26 GDPR.

The General Data Protection Regulation (GDPR) serves to protect personal data of natural persons. Personal data is individual information relating to an identified or identifiable natural person, such as name, address, email address, but also data relating to payments, bank details.

Personal data are processed in accordance with the provisions of the GDPR, the Data Protection Act (DSG), the Data Protection Amendment Act 2018, the Federal Act on General Matters pursuant to Art 89 GDPR and the organization of Research (FOG), Federal Law Gazette No. 341/1981 as amended.

### **3. Nature of the personal data and its source and the scope of the processing of personal data**

In principle, the personal data processed are those received by the Ludwig Boltzmann Gesellschaft on the basis of the funding application and the reports and evidence provided by the funding recipient. In particular, the following personal data will be processed:

- Information on the applicant/beneficiary (name / first and last name, legal form, date of birth, academic degree; title, title, place of birth, gender, nationality/registered office, address, tax number, company registration number, telephone number, fax number, URL, year of foundation)
- Details of the project manager, program manager at the applicant's premises
- Economic information on the applicant/beneficiary (business purpose, sector of activity, information on financial situation, information on creditworthiness, turnover, number of employees)
- Funding from other institutions
- Project data (Project name, project description, duration, research topic, classification, project location, project costs)
- Information on the institution of the person submitting the application (name, legal form, electronic identifier pursuant to Section 6 (3) E-GovG, address and contact details, contact person).
- Information on project partners of the applicant/beneficiary
- Information on external partners of the funding applicant/beneficiary, such as tax advisors
- Information on subcontractors of the applicant/beneficiary
- Information on suppliers of the applicant/beneficiary
- Information on education and scientific career, such as in particular
  - a. Start, duration and success of completed trainings,
  - b. educational institutions attended, if possible indicating study code and field of study,
  - c. Information on mobilities according to § 10a OeADG,
  - d. Main research areas,
  - e. previous publications,
  - f. academic recognitions,
  - g. previous projects,
  - h. previous cooperation partners,
  - i. previous academic functions and scientific career,
  - j. other Art 89 funds applied for and approved (§ 2b Z 2 FOG)
- Other information, such as in particular
  - a. Bank details,
  - b. professional position,
  - c. Data (§ 2b Z 5 FOG) required for the proper processing and evaluation of applications, tenders and contracts, as well as
  - d. Data (§ 2b Z 5 FOG) concerning the discontinuation and recovery of Art 89 funds (§ 2b Z 2 FOG)
- Information on all persons employed within the framework of the project, such as in particular
  - a. Employment contracts,
  - b. details of the employment relationship,
  - c. Working time records,
  - d. Absences,
  - e. Salary slips,
  - f. Qualification and career steps as well as
  - g. Information on travel and lecture activities

- Information on the members of the Scientific Expert Commission and the reviewers, such as in particular
  - a. First and last name
  - b. Academic title
  - c. Gender, if indicated by the data subject
  - d. Occupation
  - e. Address
  - f. Telephone number
  - g. E-mail address

The following data is collected by us in the course of the application up to the awarding of the grant or in the further course of the funding relationship:

- Information on funding (approved funding, funding applied for, project duration, type of funding, cash value of funding, research expenditure in the financial year, date of application, type of contract, date of conclusion of contract)
- Accounting data of the grant applicant/grant recipient
- Correspondence data
- Documentation of controls or acceptance of the proof of use
- Information on members of the Scientific Expert Commission, reviewers
- Evaluation/recommendation by the Scientific Expert Commission, reviewers
- Funding decision
- Evaluation data and evaluation results

Furthermore, the Ludwig Boltzmann Gesellschaft processes data generated by it via the transparency portal query pursuant to §32 para. 5 TDBG 2012.

Applicant submit their projects using the eCall application portal of FFG, Austrian Research Promotion Agency. The applicable privacy policy of FFG is available on <https://www.ffg.at/en/privacy-policy#3>.

#### **4. Purpose of the data processing**

The purpose of this data processing is the handling of the funding program "clinical research groups". The Clinical Research Groups (CRG) program is funded by the BMBWF and partly by Fonds Zukunft Österreich. This program supports the development of innovative research results in disease- or patient-oriented clinical research.

The BMBWF and the LBG jointly administer your data within the framework of the processing of such public funding, whereby the data collection and data storage are carried out by the LBG, which is in charge of the processing of the funding award, the funding contract and the monitoring of the awarded funding. The BMBWF processes the data for the decision on the grant award.

#### **5. Legal basis for the processing of personal data**

The personal data is required for the initiation and/or fulfilment of the funding contract, as well as for the fulfilment of pre-contractual obligations. The legal basis for the data processing is therefore Art. 6 para. 1 lit. b GDPR.

An essential legal basis for the processing in question is Art. 6 para. 1 lit.c GDPR (fulfilment of a legal obligation). For the awarding and administration of funding pursuant to Art. 89 of the GDPR, Section 2g of the Federal Act on General Matters Pursuant to Art. 89 of the GDPR and

the organization of Research (Research Organization Act - FOG); Federal Law Gazette No. 341/1981 as amended is to be mentioned as the legal basis in particular.

A further legal basis may be the existence of a legitimate interest pursuant to Art. 6 (1) lit. f GDPR. In particular, there may be a legitimate interest in data processing for internal documentation purposes or in the context of events.

If consent is collected, Art. 6 para. 1 lit. a GDPR is to be named as the legal basis.

Regional authorities such as the federal government may process the data for the performance of tasks that are in the public interest pursuant to Art 6 para 1 lit. e GDPR.

The provision of contact and project data in the course of your funding application by you is voluntary; however, if you do not provide this data, we will not be able to properly review your funding application and therefore not be able to assess the eligibility for a grant.

Personal data may have to be transmitted or disclosed in particular to bodies and agents of the Court of Audit (in particular pursuant to § 3 para. 2, § 4 para. 1 and § 13 para. 3 of the Court of Audit Act 1948, Federal Law Gazette No. 144), the Federal Ministry of Finance (in particular pursuant to §§ 57 to 61 and 47 of the Federal Budget Act 2013 as well as § 14 of the ARR Ordinance) and the European Union in accordance with the provisions of EU law.

## **6. Recipients of data, processors, transfer of data**

6.1 Data will only be passed on to third parties if it is necessary for the fulfilment of (pre)contractual obligations or if it is legally/officially obligatory.

In order to process the funding program, it is necessary to forward your data to the following recipients in particular:

- Scientific Expert Commission
- Reviewers
- Fonds Zukunft Österreich
- Organs and agents of the ACA
- Organs and agents of the Federal Ministry of Finance
- Financial Procurator's Office
- Institutions and agents of the European Union, insofar as such data must be transferred or disclosed in accordance with EU legal provisions
- Organs or agents of the federal government or other legal entities that award or process funding
- External auditors
- External evaluators
- In case of need (when enforcing or defending legal claims): Courts, administrative authorities, legal representatives

Your data will also be registered in the transparency database.

In the course of public relations work, some data may be published, in particular of funding recipients, funding applicants, project leaders, project partners and information on the funded project.

6.2 If necessary, commissioned processors shall be used for data processing. Contracts are concluded with them in accordance with the requirements of Article 28 of the GDPR. Processors are in particular IT service providers or providers of Internet software solutions.

6.3 Your data is also partially processed outside the EU/EEA, including in the USA. In these cases, data is transferred in accordance with Article 45 of the GDPR (on the basis of an adequacy decision) or, in the absence of an adequacy decision (in the case of data transfer to the USA), in accordance with Article 46 of the GDPR (on the basis of appropriate safeguards). If neither an adequacy decision nor appropriate safeguards are available, data may also be transferred abroad in compliance with the exemption provisions of Art 49 GDPR.

## **7. Duration of storage, security measures**

7.1 The data shall in any case be stored for 10 years, namely

(a) in the event of withdrawal or non-pursuit of the application or offer or a negative decision from the last contact; and

(b) in the event of a positive decision, from the end of the year of disbursement of the entire funds or remuneration.

Insofar as statutory or Union law deadlines apply that go beyond this, these shall apply.

Data will not be kept for longer than is necessary to fulfil the funding program in compliance with the statutory retention obligations.

7.2 LBG uses technical and organizational security measures to protect the stored personal data against accidental or intentional manipulation, loss or destruction and against access by unauthorized persons. The security measures are continuously improved in accordance with technical progress.

## **8. Data subject rights**

You have the right to

- Information about your stored personal data in accordance with Art. 15 GDPR
- Correction of inaccurate personal data pursuant to Art. 16 GDPR
- Erasure of inaccurate or unlawfully processed data pursuant to Art. 17 GDPR
- Restriction of processing if the conditions pursuant to Art. 18 GDPR are met
- Data transfer according to Art. 20 GDPR
- If applicable, objection according to Art. 21 GDPR if the data processing was based on Art. 6 Para. 1 lit. e or f,

You have the right to revoke your declaration of consent under data protection law at any time. The revocation of consent does not affect the lawfulness of the processing carried out until the revocation.

As your data is processed for research purposes on the basis of Art. 6 (1) (c) GDPR in conjunction with Art. 89 GDPR in conjunction with §§ 2d,2f,2g FOG (Research Organization Act), you have the right to information (Art. 15 GDPR), the right to correction (Art. 16 GDPR),

the right to deletion (Art. 17 GDPR), the right to restriction of processing (Art. 18 GDPR), the right to data portability (Art. 20 GDPR), the right to object (Art. 21 GDPR) do not apply if this would make the realization of the research purposes impossible or seriously impair them. Pursuant to Section 2g (5) FOG, the right to erasure and the right to object are excluded from the time the funding is awarded.

You have the right to lodge a complaint with the data protection authority if you believe that the processing of personal data violates applicable data protection law or your data protection rights have been violated in any other way.

Since the LBG handles the funding program in the name of and on behalf of the BMBWF, it is primarily the LBG that processes personal data within the scope of joint responsibility. The LBG is therefore also the primary contact for exercising the above-mentioned rights. Notwithstanding this, you can also assert your rights with the BMBWF.

### **9. Contact details for data protection:**

The responsible party within the meaning of the GDPR is the Ludwig Boltzmann Gesellschaft or Ludwig Boltzmann Gesellschaft GmbH (LBG), Nußdorfer Straße 64, 1090 Vienna, Tel. +43 (0)1 513 27 50, [office@lbg.ac.at](mailto:office@lbg.ac.at).

In addition, the responsible party within the meaning of the GDPR is the Federal Ministry of Education, Science and Research, Minoritenplatz 5, 1010 Vienna, represented by the Federal Minister for Education, Science and Research, Tel. +43 (0)1 53120-0, [ministerium@bmbwf.gv.at](mailto:ministerium@bmbwf.gv.at).

Data Protection Officer of the Central Office: Mag. Lothar Hahn (Science and Research), e-mail: [datenschutz@bmbwf.gv.at](mailto:datenschutz@bmbwf.gv.at)

Data Protection Officer of the Ludwig Boltzmann Gesellschaft or Ludwig Boltzmann Gesellschaft GmbH: Mag. Dr. Bernd M. Schauer, [dsba@lbg.ac.at](mailto:dsba@lbg.ac.at)

The competent data protection authority is the Austrian Data Protection Authority, Barichgasse 40-42, 1030 Vienna, Tel. +43 (0)1 52 152-0, [dsb@dsb.gv.at](mailto:dsb@dsb.gv.at)