

PRIVACY NOTICE AND CONSENT FORM FOR: ESA XRISM Guest Observer Program

[For Internal Reference - DPNR Reference Number 2079]

Kindly provide this “DPNR Reference Number” in any communication with the ESA Data Protection Officer (DPO@esa.int) for quick reference of the Processing in question.

This Privacy Notice was last updated on: 20 April 2023

Introduction

The European Space Agency (herein the “Agency” or “ESA”) is an intergovernmental organisation established by its Convention opened for signature in Paris on 30 May 1975. The Protection of Personal Data is of great importance for ESA, which strives to ensure a high level of protection as required by the ESA Framework on Personal Data Protection (herein the “ESA PDP Framework”) which applies for processing of Personal Data at ESA, available at:

http://www.esa.int/About_Us/Law_at_ESA/Highlights_of_ESA_rules_and_regulations

The ESA PDP Framework applicable for the processing of Personal Data within ESA is composed of the following elements:

- the Principles of Personal Data Protection, as adopted by ESA Council Resolution (ESA/C/CCLXVIII/Res.2 (Final)) adopted on 13 June 2017;
- the Rules of Procedure for the Data Protection Supervisory Authority, as adopted by ESA Council Resolution (ESA/C/CCLXVIII/Res.2 (Final)) adopted on 13 June 2017; and
- the Policy on Personal Data Protection adopted by Director General of ESA on 5 February 2018 and effective on 1 March 2022

Scope of this Privacy Statement

This notice is intended to inform you about the processing of your personal data for the ESA XRISM (X-Ray Imaging and Spectroscopy Mission) Guest Observer Program and more specifically about:

- the identity of the Data Controller and contact details of the ESA Data Protection Officer (“DPO”);
- the type of personal data collected and processed;
- the modalities of collection of personal data;
- the purpose and legal basis of the collection and processing;
- the recipients to whom the personal data of the Data Subject is disclosed;
- the time-limits for storing the personal data;
- your rights and the modalities by which you can exercise them and the practical modalities of exercising your rights and those rights of other persons, when processed in this Processing Activity under the ESA PDP Framework.

Please be aware that all references to “Data” in this document if not otherwise stated relate to data by which an individual could be identified/ having an identifying character, broadly defined as Personal Data.

This notice furthermore enables ESA to obtain your consent relating to the collection and further processing of your personal data, under the ESA PDP Framework where relevant.

Description and the Purpose for this Processing of your Personal Data: *What is this processing about?*

The general Purpose of this processing is select observations for the Guest Observer Program of XRISM allocated to scientists affiliated in institutions of ESA Member States.

Legal Basis: *What is the legal basis for processing the personal data?*

Specific Legal Basis for this processing:

- 5.2.1 i. (a) PDP; The performance of an activity carried out by the Agency within its purpose and in the framework of, and in conformity with, the ESA Convention, the “Agreement between the States Parties to the Convention for the establishment of a European Space Agency and the European Space Agency for the protection and the exchange of classified information” done in Paris on 19 August 2002, and the applicable rules and procedures, including ESA Security Regulations and Directives; this includes Processing necessary for the Agency’s management and functioning, Dispute Resolution Procedure, and or Investigation Procedures;
- 5.2.1 i. (g) PDP; A purpose covered by the Consent of the Data Subject.

Consent is collected via the ARK/RPS () system, to which scientists log in to prepare and submit their observational proposal.

Data Controllers, Data Processors, other Recipients of Personal Data and their Contact Details: *Who Processes what data in which capacity?*

The following table lists all the involved companies, agencies or otherwise, where your personal data may be processed and all relevant information concerning their involvement in this activity.

Processing Entity and Responsibility	Personal Data Categories	Type of Personal Data in detail	Description of Processing Responsibilities and specific Purpose of the Processing
European Space Agency (ESA) as <u>Controller</u>	Contact details	Name, Surname, Email, Telephone, Affiliation, Observation configuration, Scientific justification of the proposal	Your personal data are collected and further processed as described in this Privacy Notice upon the decision taken by: ESA through and limited to staff directly involved in XRISM Guest Observer Program
ESA DPO	All Personal Information required to accomplish the DPO’s duties as defined in the ESA PDP	All Personal Information required to accomplish the DPO’s duties as defined in the ESA PDP	According to ESA PDP Framework, your first and unique point of contact concerning personal data matters is the ESA Data Protection Officer (“DPO”). In this regard your personal information may be processed by ESA’s DPO to reply to your requests and to exercise your rights under the ESA PDP.

Telespazio UK (ARK/RPS provider) as ESA processor	Contact details	Name, Surname, Email, Telephone, Affiliation, Observation configuration, Scientific justification of the proposal	See as above for “ESA” as “Controller”
JAXA as separate Data controller	See the JAXA Privacy Notice	See the JAXA Privacy Notice	See the JAXA Privacy Notice for more information on how they process the personal data.

Contact Details per involved entity:

Entity	Contact Details
European Space Agency (ESA)	<p>Headquarters: 24 Rue du Général Bertrand, CS 30798, 75345 Paris Cedex 07, France.</p> <p>Your first point of contact is ESA’s DPO at DPO@esa.int at all times.</p> <p>You may also contact Matteo Guainazzi in charge for this Activity directly by xrismhelp@esa.int</p>
ESA DPO	Data Protection Officer: DPO@esa.int

Personal Data Disclosure, Transfer and Safeguards:

The table below informs you about any transfer outside the EU or other particular transfers where your data may be put at higher risk and the measures ESA applies in such cases to protect your personal data.

Recipient	Location of Recipient	Safeguards
JAXA	ISAS (Sagamihara Campus, Japan)	<p>Guest Observer Program is regulated by the Memorandum of Understanding between JAXA and ESA (ESA/IRC(2018)17).</p> <p>Japan is recognized as having an adequate level of protection.</p>

Personal Data Retention and Deletion: *How long are your personal data retained by ESA?*

Personal data may only be retained by ESA for the time period necessary to fulfil the legitimate purpose of the processing.

Your Personal Data is stored and processed based on the following timeframes:

Personal Data Categories and Place of Processing	Retention
Name, Surname, Email, Telephone, Observation configuration, Scientific justification of the proposal	For the duration of the nominal XRISM operation phase (baselined to be around 3.5 years after launch).

	If the mission is extended the retention period of your data may be extended to cover such an extension.
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Other Considerations

- The Agency does not consider your personal data as an asset for sale and, thus, does not sell your personal data to any third parties.

Your rights (Data Subject Rights) *How can you access, erase, rectify, complete or amend your personal data?*

You have the right to be informed in a transparent manner about: the processing of your personal data (the Controller, purpose, recipients, etc.); your rights and the modalities of exercising these, (e.g. erasure, rectification, completion, or amendment as per the conditions under PDP 5.1. i.e.; right for every interested Data Subject to lodge a complaint before the Supervisory Authority in case the former demonstrates or has serious reasons to believe that a Data Protection Incident occurred in relation with his/her Personal Data, following a decision of the Agency (e.g. Data Protection Officer). The right of information under PDP 5.4.1 i. and the right of access under Section 5.4.1 ii. shall not apply: (a) where and insofar as the Data Subject is already in possession of the information; (b) for the right of information, when processing of Personal Data is necessary for any Investigation or Dispute Resolution Procedure; (c) for the right of access, where and insofar such access would conflict with an Investigation Procedure concerning the Data Subject.

If you would like to exercise any of those rights, please send a request explicitly specifying your query to the ESA DPO via e-mail at dpo@esa.int or addressed to the:

ESA Headquarters Data Protection Officer

8-10 RUE MARIO NIKIS
CS 45741
75738 PARIS CEDEX 15
FRANCE
via postal service.

Please keep in mind that the more specific information you can provide to us about the Activities, Events, Systems, ESA Departments and/or Processes where your personal data is to your knowledge stored, the sooner we can respond to your enquiry, request or complaint.

- We seek to respond without undue delay, and in any event within one month of receipt of the request. However, that period may be extended by two further months where necessary, taking into account the complexity and number of the requests. You will be informed of any such extension, together with the reasons for the delay.

If you wish to submit a complaint to the ESA Data Protection Supervisory Authority, you are required to comply with the Rules of Procedure of the Supervisory Authority set forth in the ESA PDP Framework:

(https://www.esa.int/About_Us/Law_at_ESA/Highlights_of_ESA_rules_and_regulations).

You will be required to demonstrate that a Data Protection Incident occurred in relation to your personal data, following a decision of the Agency or at least be able to provide serious reasons and indicators to establish that such an incident occurred.

Users can log in into the system and: a) delete or modify your account at any time; b) delete or modify any data in your proposal before the deadline for each Guest Observer Proposal cycle.

PERSONAL DATA BREACH: *What should you do in case of a data protection incident?*

If you have any concerns about your personal data or became the victim of a data breach of ESA processed personal data, you should contact ESA's DPO, as first point of contact, by sending an email to: dpo@esa.int and provide all information available to you regarding the potential breach.

CONSENT for XRISM Guest Observer Program

The processing of your personal data described in this privacy notice is based on consent, to be indicated by either ticking the consent box in this form or sending ESA the signed form by email.

I [please provide your Name, Surname, _____], have read and understood all the information provided to me with regard to the processing of my personal data for the XRISM Guest Observer Program and I hereby explicitly consent to the use of my personal data for the purpose of

- registration to the XRISM ARK/RPS system
- submission of proposals to the XRISM Guest Observer Program
- transfer of your data (if the proposal is selected) to JAXA/ISAS (Sagamihara Campus, Japan)

I am aware of my right to revoke my consent at any time by contacting either the ESA XRISM Science Operations Centre under xrismhelp@esa.int or the ESA DPO directly under DPO@esa.int and my other rights as stated in the Privacy Notice provided to me in connection with this Consent Declaration.

ESA requires scientists participating in the ESA XRISM Guest Observer Program to be 18 years of age or older. If you are not 18 years old yet, we can't provide for you to participate in the ESA XRISM Guest Observer Program.

Signature(s) (Names and Date) _____