



EBRAINS Privacy Statement

Version history

Version	Description	Date
1.0	Initial Privacy Statement	2020-04-21
2.0	Yearly DPO update	2022-01-24



1. EBRAINS Privacy Statement

EBRAINS AISBL is an international non-profit association duly existing and incorporated under Belgian law, having its registered office at Chaussée de la Hulpe 166, “Glaverbel”, 1st floor, Section B, 1170 Brussels, Belgium, company registration number 0740.908.863 - VAT BE 0740.908.863 (“EBRAINS”).

EBRAINS is a research infrastructure developed by the Human Brain Project (HBP), a large-scale ICT project employing over 500 scientists at more than 130 universities and research institutes.

The name EBRAINS is used both to designate the organisation and the research infrastructure. References to a legal person always refer to the organisation.

EBRAINS is committed to the safe, transparent and confidential collection and processing of your personal data, to your privacy and the protection of your personal data and the information relating to you as a person (collectively "personal data" as defined in the GDPR), as well as to your rights in relation to the processing of your personal data.

In particular, we want to protect the data of the users of our services, individuals whose personal data are processed through our services, employees, subcontractors and suppliers, among others, against loss, leaks, errors, unauthorised access or unlawful processing.

This Privacy Statement relates to all services provided by us and in general to all activities we conduct, either through our website (online) or from our offices (offline).

In this Privacy Statement, we describe and inform you about what personal data we process about you, how we process it, for what purposes we process it, to whom we may provide it, how long we store it, how we secure it and what rights you have.

This Privacy Statement was prepared in implementation of the General Data Protection Regulation ("GDPR") more specifically Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, entered into force from 25/05/2018.

We ask that you read this Privacy Statement carefully before providing personal data, as it contains essential information about how your personal data is processed and for what purpose.

Changes to this Privacy Statement

We will update this Privacy Statement when necessary to reflect customer feedback and changes in our products or services. When we post changes to this Privacy Statement, we will revise the “Version History” date at the top of this Privacy Statement. If there are material changes to this Privacy Statement or in how EBRAINS will use your personal data, we will notify you by prominently posting a notice of such changes before they take effect. We encourage you to periodically review this Privacy Statement to learn how EBRAINS is protecting your personal data.

2. Data Controller

EBRAINS is the data controller for the personal information processed on the EBRAINS website (<https://www.ebrains.eu>) (“Site”) and for EBRAINS activities online or offline, unless otherwise stated.

3. Data Protection Officer (DPO)

EBRAINS has appointed a Data Protection Officer (DPO):

E-mail: privacy@ebrains.eu

Postal address: To the attention of the DPO, Chaussée de la Hulpe 166, “Glaverbel”, 1st floor, Section B, 1170 Brussels, Belgium

If, after reading this Privacy Statement, you have further questions or comments with regard to the collection and processing of your personal data, you can contact our DPO.

4. Complaints

We make every effort to handle your personal data in a careful and legitimate manner in accordance with applicable regulations. Nevertheless, if you believe that your rights have been violated and if your concerns have not been addressed within EBRAINS, you are free to lodge a complaint with the:

Belgian Data Protection Authority

Rue de la Presse 35, 1000 Brussels /Drukpersstraat 35, 1000 Brussels

+32 (0)2 274 48 00

+32 (0)2 274 48 35

contact@apd-gba.be

You can also contact the data protection authority for all general questions relating to the processing and protection of Personal Data. You may also have a right to lodge a complaint with another data protection authority (DPA). Contact information for the European Data Protection Board and EU DPAs is available here: http://ec.europa.eu/newsroom/article29/item-detail.cfm?item_id=612080https://edpb.europa.eu/about-edpb/board/members_en.

In addition, you may bring an action before a court if you believe that you would suffer damage as a result of the processing of your Personal Data.

5. Personal data

Through your interaction with us, EBRAINS may collect personal data, which is, as per the GDPR, information that identifies an individual or relates to an identifiable individual. Depending on your activities and your relationship with EBRAINS, you will provide us with the following personal data:

- your identity and contact details (name, title, address, e-mail address, telephone number),
- for certain specific services or in order to comply with legal obligations, you may have to provide us with additional data as specified below.

Please note that you are responsible for all data you provide to us and that we rely on its accuracy. Should your data no longer be up-to-date, please inform us immediately.

You have choices about the personal data we collect. When you are asked to provide personal data, you may decline.

EBRAINS will collect only personal data which is relevant for the purposes for which it is to be used. EBRAINS will take reasonable steps to ensure that personal data is relevant, accurate, complete, and current, to its intended use.

EBRAINS collects personal data from the following data subjects:

Users with an EBRAINS account

Processing will be done as per the Services Privacy Statement which describes the processing of personal data for each Service on the EBRAINS Website.

Suppliers

We collect and process the identity and contact details of our suppliers, service providers, partners, liberal professions, brokers, agents, consultants, (sub)contractors, sellers of goods or services, as well as their possible (sub)contractors/suppliers, their staff, employees, appointees and other useful contacts. The purposes of these processes are the execution of this agreement, the management of the suppliers, accounting and direct

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marketing activities such as sending promotional or commercial information. The legal grounds are the execution of the agreement, the fulfilment of legal and regulatory obligations.

Candidates

For our recruitment activities, EBRAINS may ask you for certain information, including information about your education and employment, contact details and preferences, professional qualifications and jobs for which you wish to apply. You may also choose to provide EBRAINS with additional information, such as your CV or diploma, employment references and related information, and compensation requests. In addition, EBRAINS may collect information from third parties, for example in connection with a background or employment check and/or an employment reference. Given its specific nature, this processing is regulated in more detail in a Recruitment Privacy Statement for candidates in the context of recruitment applicable within EBRAINS.

Personnel

We process the personal data of our employees as part of our personnel management and payroll administration. Due to its specific nature, this processing is regulated in more detail in an EBRAINS internal Employee Privacy Statement.

Additional Information

In addition to the data of customers, suppliers/subcontractors and staff, we also process personal data of others, such as possible useful contacts within our sector, network contacts, expert contacts, etc. The purposes of these processing operations are in the interest of our business, direct marketing and public relations. The legal basis is our legitimate interest or, in some cases, the performance of a contract.

In addition, we also process personal data to comply with certain legal obligations. We process personal data if this is necessary for the fulfilment of an interest that is justified for us. Finally, we may also process personal data where you have given your unambiguous consent.

EBRAINS may also collect other Information through your interaction with us and non-EBRAINS websites, which does not reveal your specific identity or does not directly relate to an individual. Other Information may include, but is not limited to, browser and device information, data collected through automated electronic interactions, application usage data, demographic information, geographic or geolocation information, statistical and aggregated information.

Statistical or aggregated information

Statistical or aggregated information does not directly identify a specific person, but it may be derived from personal data.

6. Our use of Personal Data

EBRAINS uses the data we collect for the following basic purposes, described in more detail below: (1) for the core operation of EBRAINS and in order to improve the quality of our services, (2) to send communications, including direct marketing and promotional information, (3) for recruitment activities, and for (4) regulatory and compliance purposes.

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| Business Operations: | We use personal data to provide and improve EBRAINS services and perform essential business operations (such as contracting with members, partners, suppliers, etc.), organization of events, market research, direct marketing. |
| Communications: | We use personal data we collect to deliver and personalize our communications with you, including direct marketing. |
| Recruitment: | We use personal data we collect to manage EBRAINS's recruiting and hiring processes. If you are hired, the information may be used in connection with employment and corporate management. |

Legal and compliance: We use personal data we collect in compliance with corporate governance and legal and regulatory requirements

7. Technical and operational measures/Security

EBRAINS is committed to protecting the security of your personal data. We use a variety of security technologies and procedures to help protect your personal data from unauthorized access, use or disclosure.

EBRAINS is also committed to reducing risks of human error, theft, fraud, and misuse of EBRAINS facilities. EBRAINS's efforts include making personnel aware of security policies and training employees to implement security policies. EBRAINS employees are required to maintain the confidentiality of data. Employees' obligations include written confidentiality agreements, regular training on information protection, and compliance with company policies concerning protection of confidential information.

EBRAINS promptly evaluates and responds to incidents that create suspicions of unauthorized handling of data. If EBRAINS determines that your data has been misappropriated (including by an EBRAINS employee) or otherwise wrongly acquired by a third party, EBRAINS will promptly report such misappropriation or acquisition to you.

EBRAINS will conduct annual compliance audits. The audit will be conducted under the direction of the Data Protection Officer. Any employee that EBRAINS determines is in violation of this Privacy Statement will be subject to disciplinary action up to and including termination of employment. Any agent or third party that violates this Privacy Statement shall be in material breach of all agreements with EBRAINS and shall defend and indemnify EBRAINS from claims related to such violations.

8. Legal basis

The legal basis for processing of personal data by EBRAINS include:

- a. Consent given by the data subject (GDPR Art.6(1)(a)). For instance, for direct marketing purposes.
- b. Necessity for the performance of a contract to which the data subject is a party, or for taking steps at the request of the data subject prior to entering a contract (GDPR Art. 6(1)(b)). If you use the EBRAINS services or you register for an event, your personal data are processed under this legal basis.
- c. Compliance with a legal obligation (GDPR Art.6(1)(c)). For example, where we are required to store the data to meet regulatory, legal, accountancy or audit obligations.
- d. Necessity for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (GDPR Art.6(1)(e)).
- e. If EBRAINS has a legitimate interest that is not overridden by the interests or fundamental rights and freedoms of the data subject (GDPR Art.6(1)(f)).

The EBRAINS website may process personal data that the data subject provides explicitly through account profile entry, login or other forms (e.g. contact forms, event registration, newsletter subscription). This includes required and optional fields entered by the data subject.

Additionally, this EBRAINS website logs for security reasons the IP address used to access the website.

Personal data may be processed to provide access to services offered by EBRAINS AISBL on the EBRAINS website and the EBRAINS research infrastructure, to facilitate collaboration among users of EBRAINS and to contact users to keep them informed of events and news regarding EBRAINS or the HBP.

9. International data transfer

Personal data are stored and processed and may be transferred between EBRAINS service providers based in different countries. Personal data transfers may take place within the EU/EEA, Switzerland, the United Kingdom, Canada and Israel and to other countries that have been found to have adequate levels of protection by the European Commission. All other personal data transfers are made with adequate safeguards in place

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including but not limited to EC Standard Contractual Clauses. No transfers to the United States of America are carried out on the basis of the EU-US or Swiss-US Privacy Shield/Safe Harbour. Only for the EMDESK support service contact details of Users of EBRAINS Services are transferred to the USA. This is done based on the EUC Standard Contractual Clauses.

For the purpose of processing your personal data, we grant access to your personal data to our employees, collaborators and appointees as well as certain service providers. We apply a similar level of protection as provided for in this Privacy Statement by imposing contractual obligations to these employees, collaborators and appointees as well as service providers.

10. Why we share personal data

Your personal data are mainly processed internally by EBRAINS. However, in order to execute our agreement (or measures preceding the conclusion of the agreement) or to fulfil certain legal obligations, they may sometimes need to be communicated to third parties.

In addition, we share personal data among EBRAINS partners, members and controlled affiliates and entities, if any. EBRAINS may share data with EBRAINS service providers within the HBP Consortium. All HBP partners are required by contract to meet all GDPR requirements.

Certain personal data collected by us will thus also be passed on to, and possibly processed by, third-party service providers, such as the service providers of the EBRAINS research infrastructure, our IT suppliers, external partners assisting us with the support and further development of our IT tools, hosting partners, accountants, auditors. In such cases, your data may be transmitted to these third parties but only for the purpose of the service in question and always under EBRAINS's control.

The employees, managers and/or representatives of the above-mentioned service providers or institutions and the specialised service providers appointed by them shall respect the confidential nature of your personal data and may use these data only for the purposes for which they were provided.

If necessary, your personal data may be passed on to other third parties. This may be the case, for example, if personal data may need to be transferred in response to a court order or to comply with a specific legal obligation. In this case, we will make reasonable efforts to inform you in advance of such communication to other third parties. However, you will acknowledge and understand that in certain circumstances, this may not be technically or commercially feasible, or that legal restrictions may apply.

We may also disclose and transfer personal data as part of an audit, due diligence or corporate transaction such as a merger or sale of assets.

EBRAINS may also share data with official authorities if required by an administrative or court order, or with auditors.

We also share personal data with suppliers, processors or agents working on our behalf for the purposes described in this Privacy Statement. For example, companies we have hired to provide certain services or assist in protecting and securing our systems and services may need access to personal data in order to provide those functions. In such cases, these companies must abide by our data protection and security requirements and are not allowed to use personal data they receive from us for any other purpose. Under no circumstances will we sell or make your personal data commercially available to direct marketing agencies or similar service providers, except with your prior consent.

Finally, we will access, transfer, disclose, and preserve personal data, including your content, when we have a good faith belief that doing so is necessary to:

- comply with applicable law or respond to valid legal process, including from law enforcement or other government agencies;
- protect our customers, for example to prevent spam or attempts to defraud users of our services, or to help prevent the loss of life or serious injury of anyone;

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- operate and maintain the security of our services, including to prevent or stop an attack on our computer systems or networks; or
- protect the rights or property of EBRAINS, including enforcing the terms governing the use of the services – however, if we receive information indicating that someone is using our services to traffic in stolen intellectual or physical property of EBRAINS, we will not inspect a customer’s private content ourselves, but we may refer the matter to law enforcement.

We only transfer your personal data to other third parties (recipients) if:

- you have given your explicit consent for one or more specific purposes pursuant to Art. 6(1) Paragraph 1(a) of the GDPR,
- disclosure is necessary for the assertion, exercise or defence of legal claims in accordance with Art. 6(1) para. 1(f) of the GDPR and there is no reason to assume that you have a primary, legitimate interest in the non-disclosure of your data,
- in case a legal obligation for disclosure exists according to Art. 6(1) Paragraph 1 (c) of the GDPR,
- it is permitted by law and necessary for the fulfilment of contractual obligations in accordance with Art. 6(1) Paragraph 1 (b) of the GDPR, and
- as necessary to complete any transaction or provide any service or product you have requested or authorized ((GDPR Art. 6(1)(b)).

11. Data shared in the context of the HBP

EBRAINS receives data from research institutions and data providers which are part of the HBP. EBRAINS will process this data in accordance with this Privacy Statement and applicable EU laws on data protection such as the GDPR.

12. EBRAINS services specific data processing activities

Details of service specific data processing activities will be contained in the specific service privacy statement (forthcoming).

13. Retention periods

Personal data will be stored and processed by us for a period of time that is necessary in function of the purposes of the processing, the mandatory legal retention periods and/or in function of the (contractual or non-contractual) relationship that we have with you.

In particular, we process data for as long as it is necessary for the performance of the contract or for the implementation of measures preceding the conclusion of the contract which were taken at your request, for as long as it is necessary for the fulfilment of our legal obligations or if the processing is necessary for the protection of our legitimate interest to prevent abuse.

Data of suppliers or subcontractors will in any case be deleted from our systems after a period of ten years from the end of the year following the termination of the agreement, except in the case of such personal data which we are obliged to retain for a longer period on the basis of specific legislation or in the case of an ongoing dispute or court case for which the personal data is still necessary.

Data for recruitment is stored for a maximum of 24 months. Candidates may request the deletion of their data at any time if they do not wish to maintain their candidacy by contacting the Data Protection Officer.

14. Rights of the data subjects

In accordance and under the conditions of the General Data Protection Regulation, we inform you that you have the following rights:



- a. **Right of access and inspection:** You have the right to know, free of charge, what information we hold about you and how it is used.
- b. **Right to Rectification:** You may at any time inspect the data that we process about you and, if necessary, have it corrected. To do so, simply request this through the EBRAINS DPO with proof of your identity. We ask this in order to prevent your data from being communicated to someone who is not entitled to it.
- c. **Right to erasure:** You have the right to request us to erase your personal data by contacting the EBRAINS DPO. EBRAINS will execute such requests, except for minimal personal data which may be retained if needed for monitoring legal compliance or as otherwise allowed under the GDPR. Backups may also be retained in case of legitimate interests of the data controller for the continued exploitation of the research infrastructure. Please note that EBRAINS can refuse the erasure of any personal data that is necessary for us to carry out a legal obligation, the performance of the contract or our legitimate interest, and this as long as this data is necessary for the purposes for which it was collected.
- d. **Right to data portability:** You have the right to obtain the personal data you have provided us within a structured, common and machine-readable form. You have the right to transfer this data to another data controller.
- e. **Right to object:** You have the right to object to the processing of your personal data for serious and legitimate reasons. However, please note that you cannot object to the processing of personal data which are necessary for us to carry out a legal obligation, the performance of the contract or our legitimate interest, and this as long as these data are necessary for the purposes for which they were collected. You can object at any time to the use of your data by EBRAINS for direct marketing purposes. If you do not wish to be informed about offers from EBRAINS, you can report this to the EBRAINS DPO.
- f. **Right to withdrawal of consent:** Insofar as we process your data solely on the basis of your consent, you may withdraw such consent at any time by contacting the EBRAINS DPO, whereupon the processing will be discontinued by us. All processing previously carried out on the basis of your consent will remain lawful. These personal data will then only be processed if we have another legal basis for this.
- g. **Automatic decisions and profiling:** we confirm that the processing of personal data does not include profiling and that you are not subject to fully automated decisions.