
ESS Rules for Data Protection

	Name
Owner	Johan Långberg, Legal Officer
Reviewer	Clara San Inocencio, Junior Legal Officer
Approver	Ohad Graber-Soudry, Head of Legal

TABLE OF CONTENT	PAGE
1. INTRODUCTION.....	3
2. DEFINITIONS	3
3. GENERAL RULES FOR THE PROCESSING OF PERSONAL DATA.....	4
3.1. Introduction.....	4
3.2. General rules.....	4
3.3. Information to Data Subjects and the right to request correction of Personal Data.....	5
3.4. Consent necessary to process Personal Data	5
3.5. Processing of personal ID numbers	5
3.6. Transfer of Personal Data to third countries	6
3.7. Sensitive Personal Data.....	6
3.8. Processing involving third parties	7
4. PROCESSING WITHIN ESS AB’S DIVISIONS.....	7
4.1. Human Resources Division.....	7
4.2. Communications Division.....	8
4.3. Finance Division	10
4.4. IT Division	11
4.5. Visitor data	11
5. IT SECURITY.....	11
6. VIDEO SURVEILLANCE	11
7. INFORMATION SECURITY CLASSIFICATION.....	12
9. GLOSSARY	13
DOCUMENT REVISION HISTORY	13

In these guidelines, references to ESS AB shall also be considered to include European Spallation Source ERIC and DMSC. Likewise, references to ESS Staff shall also be considered to include DMSC staff.

1. INTRODUCTION

Within the framework of ESS AB's and DMSC's activities, Personal Data is Processed both both internally and externally. Personal Data which is Processed includes data on ESS Staff (meaning ESS AB's and DMSC's employees, individual consultants stationed at ESS AB or DMSC' for a longer period of time, trainees, secondees and interns), consultants, suppliers and collaboration partners.

ESS AB's Processing of Personal Data must comply with applicable law and regulations¹. The purpose of the legislation is to protect individuals from having their privacy violated in connection with the Processing of their Personal Data.

These guidelines were adopted pursuant to the ESS general Compliance Policy and apply to all ESS Staff and contain rules and guidelines for the Processing of Personal Data within ESS AB, and when ESS AB transfers Personal Data to countries outside the EEA.

All ESS relevant Staff are encouraged and expected to carefully read these guidelines and any updates thereof. Any questions or queries regarding the contents and compliance with these guidelines should be addressed to the Data Protection Officer or the Legal Division.

The Data Protection Officer is authorised to establish such instructions deemed necessary by him/her to further specify the rules laid out in these guidelines, in consultation with Head of Legal. The Data Protection Officer is responsible for initiating procedures regarding erasing/updating data on a regular basis with the relevant Divisions.

2. DEFINITIONS

"Data Subject" the person who the Personal Data refers to.

"Personal Data" is any kind of information that directly or indirectly can be referred to a *natural person who is alive*. Personal Data can be names, addresses, email addresses, phone numbers, photos and IP addresses. Thus, information concerning a company or other legal entity is not a type of Personal Data.

¹Primarily EU Directive 95/46/EC, the Personal Data Act (1998:204) and the Personal Data Ordinance (1998:1191) (Sweden), the Act on Processing of Personal Data (Denmark)

“Processing” or “Processed” means any handling of the Personal Data (e.g. collecting, registering, saving, storing, processing, disclosure by transfer and dissemination).

“Sensitive Data” means data disclosing race, ethnic origin, political opinions, religious or philosophical convictions, membership of trade unions and data relating to health (e.g. pregnancy, doctor visits and sick leave) or sexual life.

If ESS AB handles Personal Data on its own behalf, ESS AB will be the so-called “Controller” of Personal Data. If ESS AB would process data on behalf of a third party, ESS AB would be the so-called “Data Processor” (or “Data Assistant”, which is another name for it) and the third party would be the “Controller” of the data. Consequently, if a third party processes Personal Data on behalf of ESS AB, such third party would be the “Data Processor” (or “Data Assistant”).

3. GENERAL RULES FOR THE PROCESSING OF PERSONAL DATA

3.1. Introduction

All Personal Data shall only be Processed for its intended purpose. Special care shall be taken into regarding the personal integrity of the individual concerned. In particular, Processing involving transfers outside the EEA or involving Sensitive Data should be made with caution.

In case any member of the ESS Staff has any doubt regarding whether the Processing is allowed, the Data Protection Officer or the Legal Division should be consulted.

3.2. General rules

- a) Personal Data shall be Processed in a correct way and in accordance with good practices.
- b) Personal Data may only be collected for specified, explicit and legitimate purposes.
- c) Personal Data shall not be Processed for any purpose that is incompatible with the purpose for which it was collected.
- d) The Personal Data being Processed must be adequate and relevant for the purpose of the Processing.
- e) Only Personal Data necessary for the purpose may be Processed, i.e. additional data that is not necessary to Process shall not be included.
- f) All Personal Data being Processed shall be accurate and, where necessary, up to date.
- g) All reasonable steps shall be taken to correct, block or delete Personal Data that is inaccurate or incomplete, having regard to the purposes of the Processing.
- h) Personal Data shall not be kept for longer than necessary for the purposes of the Processing. This means that Personal Data must be continuously deleted when the data is no longer necessary for ESS AB to Process.

3.3. Information to Data Subjects and the right to request correction of Personal Data

Everyone has, as a Data Subject, the right to obtain information on what Personal Data is being Processed on oneself and for what purpose, and to request that incorrect data on oneself is corrected. Further, a Data Subject is entitled to once a year, free of charge, obtain written information regarding the Personal Data that is being Processed on oneself. In case a member of the ESS Staff wishes to receive said information or request a correction, the request shall be directed to the HR Division.

If ESS AB does not receive the Personal Data directly from the Data Subject (e.g. Personal Data regarding an ESS AB Staff member provided by trade unions to ESS's HR Division), information shall be provided to the Data Subject at the time the data is registered (or shortly thereafter) on from what source ESS AB has obtained the Personal Data.

3.4. Consent necessary to process Personal Data

The main rule is that Personal Data may only be Processed if the Data Subject has given his or her consent. For the consent to be valid, the Data Subject must have been sufficiently informed about the purpose and scope of the Processing of the Personal Data, so that he/she have an understanding of the Processing. The consent must be voluntary and can be withdrawn, in which case no additional data shall be Processed on the Data Subject.

Even if there is no consent from the Data Subject, Processing of Personal Data by ESS AB is permitted if it is necessary:

- To fulfil a contract with the Data Subject or to perform actions that the Data Subject has requested to be taken before entering into a contract.
- For the Controller to fulfil a legal obligation (e.g. Processing of data to ensure that employees get their salary, pension, insurance coverage, etc.)
- To protect the Data Subject's vital interests.
- For a purpose that concerns ESS AB's legitimate interest (or a third party's legitimate interest in whom the data is to be disclosed) and such interest weighs heavier than the Data Subject's interests (called a balancing of interests).

If none of the above requirements are met, ESS AB has to obtain the consent of the Data Subject prior to the Processing.

3.5. Processing of personal ID numbers

Processing of personal ID numbers shall either be made with the Data Subject's consent, or without the Data Subject's consent if the Processing is clearly motivated by (i) the purpose of the Processing, (ii) the importance of having a secure identification, or (iii) any other significant reason (please consult the Data Protection Officer or the Legal Division in case of uncertainty).

Rules
Document Number ESS-0035303
Date Jun 23, 2015
Revision 1
State Released
Classification

Personal ID numbers may thus be Processed for HR/employment purposes. The personal ID numbers may also be Processed in case if necessary for another division to pay consultants the correct compensation (e.g. by registering numbers of worked hours for a specific individual), for reimbursement, tax purposes, to register education and training and to follow-up on work place incidents and accidents. In addition, Personal Data can be Processed by ESS AB and by Medicon Village to manage and monitor use of access cards.

All divisions should strive to refrain from using personal ID numbers if it is sufficient to use a person's name instead.

3.6. Transfer of Personal Data to third countries

It is generally not allowed for Personal Data to be transferred to countries outside the EEA (e.g. sending contact details of an individual from ESS AB to an institution in a foreign country outside the EEA, or use cloud services managed by a company established in a non-EEA country) if the country does not have a high enough level of protection for Personal Data.

There are several exceptions to the general prohibition. One such exception is when the company is a signatory to the Safe Harbour program, which is a program where the company has undertaken to observe certain principles in its Processing of Personal Data. An example of a signatory is Google, thus using Google docs in cloud storage services is not a problem. Another exception exists when the European Commission has assessed that the level of protection in the other country is sufficient to allow third party transfers (e.g. Argentina, Israel, Switzerland and New Zealand).

If an ESS Staff member contemplates transferring Personal Data to companies outside the EEA, he or she is advised to consult with the Data Protection Officer or Legal Division.

3.7. Sensitive Personal Data

There are particularly strict rules for the Processing of Sensitive Data (see definition above). ESS AB shall endeavour to refrain from Processing sensitive Personal Data unless consent has been given to the Processing by the Data Subject, or if ESS AB needs to Process the data in order to perform its obligations under a contract or by law, or exercise its rights as an employer. As a general rule, sensitive Personal Data is only to be Processed by HR.

As regards other Personal Data of a sensitive character, e.g. data related to disciplinary actions or disputes, or data concerning criminal records, it should be carefully Processed and only shared amongst those members of the ESS Staff with a need to know and not saved longer than necessary. Further, data concerning criminal records and security checks of a person is only to be collected and Processed when required by law or for other significant reasons.

3.8. Processing involving third parties

a) Personal assistant agreement

In case ESS AB gives third parties the assignment/task to Process Personal Data on behalf of ESS AB (e.g. IT service providers) a specific so called personal data assistant agreement has to be in place between ESS AB and the third party, or the general agreement with the third party has to contain provisions regulating the Processing of Personal Data.

This agreement (or the provisions regarding Personal Data in the general agreement between ESS AB and the third party) must contain provisions to the effect that the assistant shall take appropriate technical and organisational measures to protect the Personal Data and that the assistant shall comply with ESS AB's instructions on the Processing of the data.

Thus, contact Legal if you believe that there is a need for a personal data assistant agreement.

b) Examples of approved transfers to third parties

As regards Personal Data which is Processed for HR/employment related purposes, ESS Staff agrees that it may be shared with unions, ESS AB's employer organizations, ESS AB's service providers used for personnel services (e.g. for moving, settling in services, accommodation, health insurance, etc.), foreign institutions (if a visiting ESS Staff member is stationed or otherwise visits ESS AB, or in order to station an ESS Staff member at another institution) and relevant authorities, if deemed necessary by ESS AB for the purpose of fulfilling ESS AB's employer obligations or the contract with each member of the ESS Staff.

In addition, Personal Data may be Processed both by ESS AB and by Medicon Village to manage and monitor use of access cards.

ESS AB may share ESS Staff's Personal Data to its collaboration partners and other third parties in connection with joint events, workshops, educations, to prepare agreements with the third party (where the Personal Data is directly related and reasonably necessary to state), and for other similar purposes.

4. PROCESSING WITHIN ESS AB'S DIVISIONS

4.1. Human Resources Division

a) Application Documents

All types of application documents (cover letters, CVs, resumes and interview notes, etc.) from applicants can be archived irrespective of whether the applicant is hired or not, provided that the applicant is informed about the type of data being archived and gives

Rules	
Document Number	ESS-0035303
Date	Jun 23, 2015
Revision	1
State	Released
Classification	

approval thereto. Otherwise, the application documents shall be destroyed or sent back directly to the applicant that is not hired when the recruitment process is finished.

Application documents, interview data and test forms of ESS Staff comprise the basis of the personnel records and shall be deleted as soon as the purpose for which they are stored no longer exists no later than one year from the employment or other position at ESS AB has been terminated. Further information regarding deletion of data is under the "records" heading below.

b) Records

The personnel files contain ESS Staff's Personal Data, such as age, address, social security numbers and trade union membership. Such data may be Processed when necessary to administer the employment or other position at ESS AB and in order for ESS AB to fulfil its employer obligations.

Information regarding the health of ESS Staff may be Processed when necessary to fulfil ESS AB's duties as an employer or when there is consent from the Data Subject. Rehabilitation investigations or other health-related information (e.g. information regarding incidents and accidents during work) may also be Processed accordingly.

Personal Data on ESS Staff shall be as a general rule erased as soon as the purpose for which it is stored no longer exists, but no later than one year from when the employment or other position at ESS AB terminated. Personal Data on ESS Staff may, however, be stored for a longer time if that is necessary for administrative purposes (such as payment of pension to a former member of the ESS Staff) or in order to be able to give references to other employers. Similarly, grades, report cards, etc. and testimonials given to a former ESS Staff member shall be saved together with factual information that might be used to support termination or dismissal of the employee. Personal Data may also be kept for the duration of a dispute with a former ESS Staff member. Further, in case an employee is dismissed for the reason of shortage of work, the employee can be entitled to priority for new positions; hence, Personal Data on such former employee also can be saved for as long as such a priority right may exist.

4.2. Communications Division

a) Personal Data related to third parties

Personal Data in a contact management database (e.g. XRM) may be Processed without the Data Subject's consent if necessary to fulfil a contract with the Data Subject or to perform an activity or action that the Data Subject requested (e.g. send information requested by the Data Subject). If the contact details have been provided in an online form, for example, the contact information should only be Processed for the reason set out in connection with the online form. Any information about how the Personal Data will be Processed is not necessary as long as the Personal Data collected is only used for contact administration purposes that they can expect. However, if ESS AB transfers the contact details collected to third parties, then there must be prior information given to

Rules
Document Number ESS-0035303
Date Jun 23, 2015
Revision 1
State Released
Classification

approval from the Data Subjects in question, i.e. those whose contact details have been collected.

Again, Personal Data only concerns living persons thus contact details to companies, institutions, authorities, etc. are not affected by the Personal Data rules, except to the extent that personal email addresses, personal phone numbers and other individual contact information have been provided.

b) Photographs

Photos where a person can be identified are typically regarded as Personal Data even if no name is mentioned. Before taking photos of ESS Staff members or any other individual, their consent to the publishing should be obtained. In case any member of the ESS Staff or another individual objects to any published photo, it should be removed without delay.

Photos available in digital format on the network should be reviewed once a year. Photos of ESS Staff members who are no longer employed by ESS AB, or hold other position at ESS AB, should be removed from the intranet and the company website without delay once they have left their position at ESS.

c) Contact details to ESS Staff published externally

All ESS Staff agree to their work-related contact details being published on the ESS website.

d) Events

Lists and other documents containing Personal Data from events (e.g. advisory panels, workshops, kick-off meetings, Christmas party, etc.) shall be deleted within a reasonable time from when the actual event or follow-up events directly related to the event have occurred and all invoices related to the event have been paid.

e) Newsletter

Newsletters shall only be sent to those who have informed ESS AB of their interest in receiving the newsletters. If a person notifies ESS AB that he/she no longer wishes to receive newsletters from ESS AB, his/her contact details shall be deleted without delay from lists used for distributing ESS AB's newsletters.

f) Social media

ESS AB can in some cases be held responsible for Personal Data published by the company in social media such as Facebook, Twitter and blogs. Thus, ESS AB should continuously monitor comments left by visitors of the social media site. If any comments are made that are abusive, such comments should be deleted. If someone complains about content on the social media site, ESS Legal should be consulted.

Rules
Document Number ESS-0035303
Date Jun 23, 2015
Revision 1
State Released
Classification

g) Advertising

Use of names and pictures of a living person for advertising or promotional purposes always requires the Data Subject's prior express consent. Please also consult with Legal before using such names and pictures as intellectual property law and marketing law provisions may also be relevant for consideration (e.g. obtaining the photographer's consent).

h) Materials received through the ESS website, etc.

Information and materials received through the ESS website and over email from third parties should not be published without prior express consent from the providing person. Please also consult with Legal before using such materials, as intellectual property law and marketing law provisions may also be relevant for consideration (e.g. acquiring the required rights from possible other creators).

4.3. Finance Division

a) The payroll system and related Personal Data Processing

The payroll system contains Personal Data, e.g. names, addresses, salaries and benefits for current and former ESS Staff members, and may also include the history of salary revisions, estimates of benefit values, tax-related information, etc. Moreover, the Finance Division records ESS AB's American Express cards and cardholders and manages ESS AB's expense accounting. Data that is Processed in connection with payroll, benefit and expense management must be deleted as soon as the purpose for which it was saved has been fulfilled. This purpose includes meeting the requirements (e.g. archive requirements) posed by tax and accounting rules and generally accepted accounting principles.

b) Finance accounting system

In the finance accounting system, Personal Data such as names and contact information (individual email addresses, phone numbers, etc.) to suppliers and partners, are Processed. This Processing is mainly made to comply with accounting rules and for billing purposes. Furthermore, the Finance Division Processes data on suppliers (which may include data on a specific individual) in order to monitor compliance with purchasing and payment procedures.

Data that is Processed in connection with financial reporting and invoicing must be deleted or converted into anonymous data as soon as the purpose for which it was saved is fulfilled. This purpose includes meeting the requirements posed by tax and accounting rules and generally accepted accounting principles.

Rules
Document Number ESS-0035303
Date Jun 23, 2015
Revision 1
State Released
Classification

4.4. IT Division

The IT Division stores both server backups and desktop backups. Server backups are made on a daily basis and after that every first day of the week, and then every week and then every month. Desktop backups are continuously made each 15 minutes and are stored for at least 10 versions or 6 months.

The IT Division keeps a register of all IT tools and devices handed out to ESS Staff, e.g. computers and phones, and different access data and user names in order to administer and monitor the use and provide service to the users.

For further information and rules about ESS Staff members' use of IT tools and devices, please see the IT Policy. The IT Policy also includes information about to what extent and for which purposes Personal Data of ESS Staff members is Processed in relation to the use of IT tools and devices provided by ESS AB.

4.5. Visitor data

If and when the visitor's Personal Data is registered and Processed, e.g. in connection with access cards, the visitor shall be informed of ESS AB's Processing of Personal Data. The visitor's data shall be deleted as soon as it is no longer needed for the purpose it was collected.

5. IT SECURITY

IT Security is an essential part of the protection of personal privacy. Thus, ESS AB as the Controller must ensure that the Personal Data Processed is protected by appropriate technical and organisational measures. The IT Division is responsible for ensuring the abovementioned protection, i.e. to protect the Personal Data stored electronically against viruses, theft, destruction or unauthorized copying, confidentiality, etc. Furthermore, each member of the ESS Staff shall take all necessary steps to ensure that Personal Data is not transferred or disclosed in a way that allows intrusion or unauthorized third parties (e.g. do not remove any virus protection programs installed by the IT Division).

The IT Division and the Data Protection Officer shall continuously consult with each other to ensure that current recommendations from relevant authorities are implemented in the IT security system.

6. VIDEO SURVEILLANCE

Video surveillance is governed by special legislation (Sw. Kameraövervakningslagen (2013:460)). ESS AB and Medicon Village may use video surveillance for security purposes. Video surveillance is used at the Construction Site by the way of a public

Rules
Document Number ESS-0035303
Date Jun 23, 2015
Revision 1
State Released
Classification

webcam to prevent trespassing. Please consult with the Data Protection Officer for more information on the video surveillance systems.

7. INFORMATION SECURITY CLASSIFICATION

Nothing in these guidelines shall be construed as to limit the scope of any applicable information security classification rules within ESS AB.

Rules
Document Number ESS-0035303
Date Jun 23, 2015
Revision 1
State Released
Classification

9. GLOSSARY

Term	Definition
------	------------

DOCUMENT REVISION HISTORY

Version	Reason for revision	Date
1.0	First version of document	2015-05-29
