

Meeting between
the EUI Alumni Executive Committee
and
the President of the EUI
19 December 2017

AGENDA

1. The meeting will be attended in person by the EUI President, Prof. Renaud Dehousse; the EUI Secretary General, Vincenzo Grassi; the EUI Communications Service Director, Marco Incerti and the EUI Alumni Association member, Roberto di Quirico. The meeting will take place in the Office of the President (Badia Fiesolana, BF 395).

The other members of the EUI Alumni Association - President, Federiga Bindi; Vice President, Alessandra Chirico; Secretary, Sandra Marco Colino; Treasurer, Chris Armbruster - will join virtually, at the following link: <https://appstate.zoom.us/j/667438387>

2. In case of any technical issue, please find below some useful contacts: [omissis; personal data]
3. The meeting will cover the following points:

Proposed by EUI

- a) Benefits and dedicated activities that the EUI intends to start providing directly to the Alumni community
- b) Transfer of the personal data of the members of the EUI Alumni Association
- c) Transfer of the balance left on the EUI accounts to the bank account of the Alumni Association
- d) Communication of the new arrangements to the EUI Alumni community
- e) Timing to effect the changes

Proposed by the EUI Alumni Association

- a) Damages to the AA finance caused by the EUI unfair management of the membership renewal procedure;
- b) Transfer of administrative documents related to the management and administration of the AA
- c) Cooperation and joint activities in the future EUI/AA relationship

MINUTES

The President of the EUI, Prof Renaud Dehousse started by noting that the points on the agenda had already been discussed previously between the EUI's management and the Executive Committee of the Alumni Association – there has not been any sudden change of line.

He then emphasised that the EUI attaches a lot of importance to Alumni relations, and that is precisely the reason why – in line with other HE institutions across the world – it intends to start handling them directly.

In fact, the EUI plans to liaise with a group that is significantly broader than the Alumni in the narrow sense of the term (researchers who have completed a Ph.D. or an LLM at the EUI). The EUI counts 2833 Alumni (981 of which members of the AA), while the broader group of 'Friends of the EUI' consists of 5327 people – including Jean Monnet Fellows, Max Weber Fellows, Fernand Braudel Fellows, Marie Curie Fellows and former faculty members.

The President also explained that the institutional policy of the EUI vis-à-vis its Alumni is compatible with, and can be complemented by a broader range of activities organised by the Alumni Association.

However, it was very important to underscore two points:

- The EUI will go ahead with the implementation of its own policy, and
- The additional activities organised by the Alumni Association and its core business are for the Association to decide

In the detail, the EUI plan for a revamped policy of relations with 'Friends of the EUI' includes:

- Organization of EUI events in Brussels and in other European cities
- Free-of-charge granting of an email address to all 'Friends of the EUI'
- Access to the library, based on a paper document different from the current badge (excluding however the right to borrow books)
- Abolition of the right for Alumni to print 500 copies at EUI

Alumni whose membership has expired can be sent a reminder, now that their rights have been clarified. In the meantime, their rights have been extended.

The AA will draw a list of items for which it would need administrative assistance until the setting up of the association as an independent body will be completed. The Executive Committee estimates that the procedure for the Alumni Association to obtain legal personality should be completed by the end of March 2018.

In the meanwhile, the EUI will take the necessary technical steps to implement its own plan, in particular with regard to the new emails.

It was agreed that a precise roadmap should be drafted and there should be a follow up meeting to discuss technical aspects such as:

- The transfer of the personal data of the AA Members
- The transfer of the funds of the AA to its bank account
- The transfer of all relevant administrative documents to the AA
- Activities that could be undertaken jointly by the EUI and the AA

Renaud Dehousse
President
European University Institute

ADDENDA

- 1 . Objections raised by the EUI-AA member Roberto Di Quirico to the minutes*
- 2. Report on the post-meeting on technical matters between Mr Marco Incerti, Head of the EUI Communication Service and Dr, Roberto Di Quirico*
- 3. Memorandum on data transfer management by the EUI legal advisor for data management*

Objections raised by the EUI-AA member Roberto Di Quirico to the minutes

As a participant to the meeting and the only member of the AA EC physically present in the meeting room, I ask to add to the minutes the following points I considered relevant and discussed during the meeting:

1 – President Dehousse remembers that an agreement on the separation of EUI and Alumni Association activities had been agreed with the previous Executive Committee (2014-2016). So, he considers the actual debate between the EUI and the AA Executive Committee the application of previously taken agreements;

2 – After the closure of the zoom connection, Mr Incerti replied to a question from Dr Di Quirico about the reasons for the exclusion of the Alumni by the library borrowing rights. Mr Incerti explained the decision as a solution for the excessive drain of books from the library due to the Alumni requests of library loans and the consequent scarcity of books for current PhD researchers.

Memorandum on the technical matters discussed during and after the EUI-AA meeting (December 19th, 2017)

by Roberto Di Quirico

During the debate, some technical questions emerged about data, money and document transfer from the European University Institute (thereafter EUI) to the EUI Alumni Association (thereafter AA). Due to lack of time, Dr Di Quirico and Dr Incerti agreed to debate these matters privately after the end of the meeting.

These technical matters regard at most the legal problem in data and document transfer. In particular two problems emerged as obstacles to this transfer.

First, there is the not-yet obtained legal personality of the AA. Both the EUI and the AA suggest waiting for the end of the bureaucratic procedure required to obtaining legal personality. So, money, data and documents cannot be transferred or received before the AA gains the legal personality.

Second, there is the problem of responsibilities for possible rules infringements in data management and financial payments done by the EUI. Maybe that during so many years in which laws and procedures had changed many times, some irregularity has been committed to privacy management and payments. So, it is crucial for both the EUI and the AA having all the privacy and fiscal problems solved before transferring data and documents to the AA. We agreed the EUI will consult its legal advisor and, if possible, a meeting will be organised with one or two members of the AA Executive Committee to discuss these problems and find a convenient solution for both the EUI and the AA.

Dr Di Quirico communicated to Dr Incerti that the AA is planning to create a web platform to automate all the subscription, reminder, renew, and fees payment operations. Also, the web platform will grant the respect of all the rules about privacy and data security. Having this platform complete is another sine qua non-condition for receiving and storing personal data. So, also the realisation of the website will influence the final definition of the map road toward full independence that President Dehousse insistently required during the meeting.

Another questions touched during the post-meeting discussion regards communication coordination between the EUI and the AA. In that case, Dr Di Quirico emphasised that the AA new “fully autonomous” status would require a redefinition of the AA identity and a communication campaign in which it is essential avoiding feed doubts about potential conflicts between the EUI and the AA. So, it could be useful defining some procedures of cooperation in particular during the transition period and the months that follow.

Finally, Dr Di Quirico lamented the financial costs for the AA derived by losing privileges (email eui.eu; library access with books loan) that made the AA attractive for years. These privileges were assigned to the AA in substitution of the previous annual subsidy (10,000 euro) paid by the EUI to the AA. Dr Di Quirico suggested that restoring the subsidy is the logical consequence of the privileges revocation.

Unfortunately, there was not enough time to discuss other two crucial questions such as the Alumni logo property rights and the possibility for the AA to take the place of the EUI in alumni email accounts management if the EUI decides to dismiss the whole email service now granted to AA members.

Roberto Di Quirico

Opinion on the transfer of data of EUI Alumni to the Alumni Association

Premise:

The EUI has to be careful with the transfer of data to a different legal person:

The current and former members might have given their consent for the processing (giving, storing and keeping) of their personal data on the basis that it will be processed only by the EUI; a public body with certain safeguards and obligations (since August 2013 the latest PD 40/2013, with respect to the protection of data).

To transfer any data all of a sudden to a different legal person is risky, since the consent refers also to the 'to whom' and not only to the 'who' and the 'what'.

A transfer would, strictly speaking, require:

- a new consent by the alumni and
- reasonable assurance that the body in question has a system in place which adequately protects personal data.

Any transfer beyond that or without such an assurance could expose the EUI to claims by the data subjects, in other words the Alumni.

Analysis:

In my view according to the documents linked to the membership form on the EUI website, the Alumni gave their consent for the processing of their personal data only under several conditions.

One of them being that the Data Controller is the EUI as an institution (and not a different legal entity such as the Alumni Association, hereinafter 'AA') or one of the Data Controllers nominated by decision of the SG.

Only under those circumstances, President's Decision 40/2013 on the EUI's Data Protection Policy (PD 40/2013) is 'automatically' applicable (see Article 1(1) PD 40/2013).

In theory, an 'independent' Alumni Association (AA) could be considered as processing data 'on behalf' of the EUI (Article 1(2) PD 40/2013).

For a number of reasons this solution would not be advisable:

- It would be contradictory to the intention of the EUI to separate its strictly institutional tasks from the activities of the AA.
- A formal decision would have to be taken declaring the AA as Data Controller. This would be meaningless since the EUI has, according to the information I have, no formal control over the AA.
- Additionally, I would strictly advise against taking over responsibility on the handling of private data by a different legal entity over which the EUI itself has only very limited (if any) control. Such an approach would expose the SG and the EUI as a whole to serious issues of liability in case of data breaches by the AA.

In order to find a practical solution, I would suggest that we could:

Either (first option):

- Send to all 'current alumni' an e-mail asking for their consent to transmit their contact details (to be defined) to the AA. After their agreement we could transmit those details to the AA. 'Current alumni' would be those having been active in the last 2 years (see on-line form, 'right to be forgotten')
- The AA must declare to the EUI in writing, before the transmission of the contact details, that they will fully respect the new EU-rules on data protection (GDPR).

This first option would be the least risky and 'cleanest' option from a DP and legal liability point of view, but administratively potentially cumbersome.

Or (second option):

- Send to the AA only the e-mail addresses of the current alumni asking the AA:
 - a) to fully respect the EUI's data protection rules and
 - b) to contact the alumni EXCLUSIVELY in order to obtain their consent for future treatment of their data by the AA.

The second option is administratively simpler, but bears certain risks:

- a) the transfer of the e-mail addresses could (not certain) be considered covered by the consent of the alumni if strictly limited to e-mail or by institutional purposes and
- b) the EUI will lose control over those data once transmitted to the AA and, consequently, entail liability issues for the EUI in case of improper use (data breaches, sale, etc.) of those personal data.

Günter Wilms
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Data Protection Officer
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