#### Sistema Socio Sanitario



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DECRETO n. 291

del 18/05/2022

Cl.: 1.1.02

OGGETTO:

Accordo di collaborazione (collaboration agreement) con il JRC - Joint Research Centre della Commissione europea, con Sede a Ispra (VA), ai fini dell'inclusione del Registro Tumori di ATS di Brescia nell'attività di cooperazione e ricerca in campo oncologico promossa da JRC e ENCR (European Network of Cancer Registries) nell'ambito del Sistema Europeo d'informazione sul Cancro (ECIS): presa d'atto avvenuta stipula.

II DIRETTORE GENERALE - Dott. Claudio Vito Sileo nominato con D.G.R. XI/1058 del 17.12.2018

Acquisiti i *pareri* del DIRETTORE SANITARIO del DIRETTORE SOCIOSANITARIO e del DIRETTORE AMMINISTRATIVO

Dott.ssa Laura Emilia Lanfredini

Dott.ssa Jolanda Bisceglia

Dott.ssa Sara Cagliani



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#### IL DIRETTORE GENERALE

#### Premesso che:

- il JRC (Joint Research Centre) della Commissione Europea e l'ENCR (European Network of Cancer Registries) ente istituito nel 1990 nel quadro del programma UE denominato "L'Europa contro il cancro" promuovono l'armonizzazione e lo scambio dei dati, a livello europeo, dei vari Registri Tumori, per finalità di ricerca scientifica connessa alla valutazione delle malattie oncologiche, attraverso lo studio e il monitoraggio delle tendenze temporali e geografiche relative a incidenza, prevalenza, mortalità e sopravvivenza associate alle patologie tumorali;
- i suddetti Organismi hanno richiesto ai Registri Tumori, a livello europeo, di trasmettere i dati di incidenza tumorale a partire dall'anno 2013 (in precedenza e fino a tale anno, infatti, i dati erano già stati acquisiti);
- a tal fine, i medesimi Organismi hanno predisposto specifiche procedure per disciplinare la raccolta e la trasmissione dei dati in parola, al fine di assicurarne l'integrità e ogni necessaria tutela inerente a modalità e finalità di trattamento, nel rispetto del GDPR - Regolamento (UE) 2016/676 (Regolamento relativo alla protezione delle persone fisiche con riguardo al trattamento dei dati personali, nonché alla libera circolazione di tali dati) e delle ulteriori normative europee di settore;

#### Rilevato che:

- requisito essenziale per la partecipazione all'attività di ricerca sopra descritta è la sottoscrizione di un apposito accordo di collaborazione (collaboration agreement) con il JRC Joint Research Centre della Commissione europea, con sede a Ispra (VA), Organismo responsabile dello sviluppo e della manutenzione dell'ECIS European Cancer Information System (Sistema Europeo d'informazione sul Cancro), previa registrazione di ciascun Ente detentore di Registro Tumori nella banca dati europea della citata Rete ENCR;
- il suddetto accordo di collaborazione individua gli obiettivi del progetto e disciplina ruoli e responsabilità di ciascuna delle Parti contraenti, anche con riguardo alla tutela dei diritti di proprietà intellettuale, nonché alle necessarie garanzie di riservatezza dei dati trattati, come sopra richiamate;
- le attività condotte ai sensi di detto accordo non comportano costi aggiuntivi, essendo espressamente soggette alla disponibilità di fondi, personale e altre risorse, entro i limiti dei programmi e secondo le normative applicabili a ciascun ente aderente;

# Considerato che:

- per il tramite della U.O. Epidemiologia, sono state condotte le necessarie interlocuzioni con gli Organismi coinvolti, nonché le preliminari attività istruttorie volte all'esame e all'eventuale stipulazione dell'accordo di cui trattasi;
- in ragione della manifesta rilevanza scientifica della cooperazione in parola e ad esito della valutazione dei termini e delle condizioni del testo convenzionale proposto, si è conseguentemente ritenuto di procedere alla formalizzazione dell'atto di adesione dell'Agenzia al suddetto collaboration agreement;

Ritenuto, pertanto, di prendere atto dell'avvenuta sottoscrizione, in data 13.05.2022 (Rep. Contr. ATS n. 256/22), dell'accordo di collaborazione in oggetto, che si allega in copia informatica al presente provvedimento (Allegato A, composto da n. 48 pagine); Vista la proposta presentata dal Direttore del Servizio Affari Generali e Legali, Dott.ssa Lucia Branca Vergano che, anche in qualità di Responsabile del procedimento, attesta la regolarità tecnica del presente atto;

<u>Dato atto</u> che dal presente provvedimento non derivano oneri per l'Agenzia;

#### Sistema Socio Sanitario



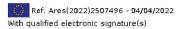
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<u>Acquisiti</u> i pareri del Direttore Sanitario, Dott.ssa Laura Emilia Lanfredini, del Direttore Sociosanitario, Dott.ssa Jolanda Bisceglia, e del Direttore Amministrativo, Dott.ssa Sara Cagliani, che attesta, altresì, la legittimità del presente atto;

#### DECRETA

- a) di prendere atto, per le motivazioni in premessa, dell'avvenuta stipulazione, in data 13.05.2022 (Rep. Contr. ATS n. 256/22), dell'accordo di collaborazione (collaboration agreement) con il JRC Joint Research Centre della Commissione europea, con Sede a Ispra (VA), ai fini dell'inclusione del Registro Tumori di ATS di Brescia nell'attività di cooperazione e ricerca in campo oncologico promossa da JRC e ENCR (European Network of Cancer Registries) nell'ambito del Sistema Europeo d'informazione sul Cancro (ECIS), accordo il cui testo si allega in copia informatica al presente provvedimento (Allegato A, composto da n. 48 pagine);
- b) di precisare che il suddetto accordo ha decorrenza dalla data di avvenuta stipulazione e non prevede limiti di durata, fatta salva la possibilità di recesso con preavviso scritto di almeno tre mesi;
- c) di dare atto che dal presente provvedimento non derivano oneri per l'Agenzia;
- d) di disporre la pubblicazione dei contenuti del presente provvedimento nella sezione "Amministrazione Trasparente" del sito web dell'Agenzia, in conformità al D.Lgs. 33/2013 e ss.mm.ii. nei tempi e con le modalità del PTPC vigente;
- e) di dare atto che il presente provvedimento è sottoposto al controllo del Collegio Sindacale, in conformità ai contenuti dell'art. 3-ter del D.Lgs. n. 502/1992 e ss.mm.ii. e dell'art. 12, comma 14, della L.R. n. 33/2009;
- f) di disporre, a cura del Servizio Affari Generali e Legali, la pubblicazione all'Albo online – sezione Pubblicità legale - ai sensi dell'art. 17, comma 6, della L.R. n. 33/2009, e dell'art. 32 della L. n. 69/2009, ed in conformità alle disposizioni ed ai provvedimenti nazionali e comunitari in materia di protezione dei dati personali.

Firmato digitalmente dal Direttore Generale Dott. Claudio Vito Sileo



# COLLABORATION AGREEMENT

# (including AGREEMENT ON TRANSFER OF PERSONAL DATA where applicable)

The **Joint Research Centre of the European Commission**, located at Via Enrico Fermi, 2749, I-21027 Ispra (VA), Italy; represented for the purpose of signing this Agreement by Guy van den Eede, Acting Director of Directorate F – Health, Consumers and Reference Material of the Joint Research Centre, duly entitled to sign,

(hereinafter referred to as 'the JRC'),

#### and

Members of the European Network of Cancer Registry ('ENCR'):

(hereinafter referred to as 'the Registries).

(The list of the Registries is contained in Annex I)

The Registries may be represented for the signature and the implementation of the present Agreement by other duly mandated bodies, such as networks of Registries at regional, national or supranational level.

Hereinafter referred to individually as 'the Party' or collectively as 'the Parties'.

#### **PREAMBLE**

#### WHEREAS:

- (1) The Joint Research Centre (JRC) of the European Commission is in charge of the development and maintenance of the European Cancer Information System (ECIS) in support of the European Union policies in the area of public health, and in agreement with the responsible Commission department (DG SANTE).
- (2) This activity of the JRC is in line with the objectives of the European Commission to promote cancer registration in Europe according to the following EU policy and strategy documents:
  - Treaty on the Functioning of the European Union, Title XIV (Public Health) Article 168. European Parliament resolution on policy challenges and strategies against women's cancers and related comorbidities (2018/2782)
  - Europe Against Cancer programme: proposal for a plan of action 1987-1989 including a draft Council decision concerning the information of the public and the training of members of the health professions COM(86) 717 final
  - Communication from the Commission concerning a Community action programme on health monitoring in the context of the framework for action in the field of public health (COM 95) 449 final
  - Europe Against Cancer, report from the Commission to the Council on the conclusions of the high level experts and on the state of work in progress at Community level in the fight against cancer, COM(86) 150 final
  - Europe Against Cancer, report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on implementation of the second action plan (1990-1994 COM(95) 356 final
  - Council Recommendation of 2 December 2003 on cancer screening
  - European Parliament Resolution of 10 April 2008 on Combating Cancer in the Enlarged European Union, P6-TA(2008)0121 Council of the European Union
  - Council Conclusions on Reducing the Burden of Cancer, 2876th Employment, Social Policy, Health and Consumers Affairs Council Meeting, Luxembourg, 10 June 2008 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Action Against Cancer: European Partnership
  - White Paper "Together for Health: A Strategic Approach for the EU 2008-2013" (COM 2007 (0630) final).
- (3) The aim of the ECIS is to provide indicators that quantify cancer burden across Europe and ECIS builds on existing data and cooperation of cancer registries affiliated with the European Network of Cancer Registries (ENCR).

- (4) The ENCR was established 1990 within the framework of the EU's Europe Against Cancer programme initiated by the European Council Heads of State and Government, and a committee of cancer experts. By defining data coding and collection standards, the ENCR works to ensure levels of quality allowing accurate comparison of cancer-Registry data across Europe for the purpose of population-based cancer surveillance and epidemiological research. As well as contributing to the regular dissemination of information on cancer incidence and mortality in Europe, the ENCR also promotes collaboration between cancer registries, via training of cancer Registry personnel and organisation of scientific conferences. Members of the ENCR include population-based cancer registries operating in countries within the UN geographical definition of Europe plus Cyprus<sup>1</sup>.
- (5) JRC is one of directorate-generals of the European Commission and within its scientific and technical capacity supports EU policies with independent evidence throughout the whole policy cycle.
- (6) Directorate F (Health, Consumers and Reference Materials) of the JRC via its Unit F.1 (Health in Society), which is based in Ispra, Italy, has the primary responsibility for developing and maintaining ECIS. JRC F.1 also acts as the ENCR secretariat.
- (7) The JRC and the ENCR promote harmonisation of cancer registries' data, as the input source for the assessment of cancer burden. The JRC supports the ENCR in the harmonisation of data and registration processes to strengthen the basis for monitoring the cancer burden, the JRC has developed and maintains the ECIS web site, which provides statistical indicators on temporal and geographic trends relating to cancer incidence, mortality, prevalence and survival.
- (8) The support of JRC to ENCR may involve transfer of personal data (individual cancer data), including data which have undergone pseudonymisation, from the registries to the JRC and subsequent processing by the JRC for scientific research purposes to support EU policies. In accordance with Recital 157 GDPR, by coupling information from registries, researchers can obtain new knowledge of great value with regard to widespread medical conditions such as cancer. On the basis of registries, research results can be enhanced, as they draw on a larger population. Research results obtained through registries provide solid, high-quality knowledge with can provide the basis for the formulation and implementation of knowledge-based policy, improve the quality of life for a number of people and improve the efficiency of social services. In order to facilitate research, personal data can be processed for scientific research purposes, subject to appropriate conditions and safeguards set out in Union or Member State law.
- (9) Through joint efforts of the ENCR and its member cancer registries with the JRC, new approaches can be identified and developed in the areas of harmonisation of cancer registries' data as the input source for the assessment of cancer burden, thus working to the mutual benefit of both organisations in the achievement of their objectives.
- (10) The Parties have expressed their mutual desire to co-operate in the field of cancer data harmonisation for the assessment of cancer burden at European level, and are for that

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<sup>&</sup>lt;sup>1</sup> https://encr.eu/registries-network#inline-nav-3

purpose signing this Collaboration Agreement. This Agreement constitutes at the same time an Agreement on Transfer of personal data to regulate the respective obligations of the Parties in accordance with applicable data protection legislation with regard to the processing of personal data transferred from the Registries to the JRC pursuant to it.

THE PARTIES HAVE AGREED AS FOLLOWS:

# ARTICLE 1 – OBJECTIVES OF THIS COLLABORATION AGREEMENT

- 1.1 The general objective of this Collaboration Agreement is to support and contribute to the achievement of the common goal of the JRC and the ENCR Registries. This collaboration takes place in the frame of and is subsidiary to the ECIS European Cancer Information System being developed at the JRC in agreement and close collaboration with DG SANTE.
- 1.2 This Collaboration Agreement will, in particular, have the following objectives:
  - a) To secure a sustainable solution for the continuation of the ENCR activities in support of cancer registration in Europe.
  - b) To support European-level coordination of the ENCR activities, coordinated by a newly established JRC-ENCR Management Committee.
  - c) To obtain the scientific data needed for the ECIS.
  - d) To promote mutual interest and exchange of experience in understanding and resolving issues between the Parties.
- **1.3** In order to fully achieve the objectives of this Collaboration Agreement, the Parties will take the following actions:
  - a) Joint identification of harmonisation issues to be investigated and the development of innovative and cost-effective approaches to improve harmonised computation, visualisation and dissemination of cancer burden in Europe.
  - b) Dialogue on matters of cancer registries' data harmonisation and cancer burden assessment, exploring possibilities for developing research projects of mutual interest.
  - c) Joint participation in the execution of personnel development and training programmes.
  - d) Maintenance and further development of the ECIS infrastructure to host and process population-based cancer registries' data, and compute/visualise derived cancer burden indicators.
  - e) Joint establishment of training programmes in various areas, for example, cancer registration, cancer coding, statistical analysis for cancer registries.
  - f) Support the training of scientists, engineers and technical experts, for example, through the exchange of personnel.

- g) Harmonisation of established analytical procedures and promotion of these methods to end-users internationally.
- h) Joint work aimed at implementing research projects of mutual interest.
- i) Participation in the execution of on-going programmes, projects and related activities of mutual interest to the Parties.
- j) Identification of any other action deemed appropriate to achieve the objectives of this Collaboration Agreement.

# ARTICLE 2 – RESPONSIBILITIES AND ROLES OF PARTIES

- **2.1** Responsibilities and role of the JRC with regard to its role as ECIS manager:
  - a) maintains and further develops a centralised database with cancer occurrence data according to established coding methodologies;
  - b) ensures data security/safety including the process of data transmission in accordance with Annex II;
  - c) manages and analyses data including data checking, standardisation, quality assessment, validation, statistical analysis and monitoring for further reporting and dissemination;
  - d) communicates with the Registries and gives feedback on data-related issues and results of the monitoring;
  - e) analyses data for monitoring data compliance to the required standards, giving feedback to the Registries on results of the monitoring;
  - f) manages the ECIS web application administration, maintenance, updates, development;
  - g) coordinates and supports ECIS dissemination activities (cancer factsheets, scientific papers, EC technical reports and publications);
  - h) manages requests for individual and aggregated cancer data access and use, in agreement with the policy decided by the JRC-ENCR Management Committee; in accordance with Annex II, Section 5.1, the transmission of individual cancer data to third parties will need to be approved by the Registry at the origin of the individual cancer data to be transmitted.
  - i) establishes and maintains relations with other organisations within the remit of its role;
  - j) supports actions aimed at adding value to the ENCR data through: integration into larger health information systems, dissemination of public health indicators to policy makers for decisions on primary/secondary/tertiary prevention;

- 2.2 Responsibilities and role of the JRC with regard to its role as host of the ENCR Secretariat:
  - a) coordinates the activities of the Network in collaboration with the JRC-ENCR Management Committee;
  - b) processes and evaluates new applications for ENCR membership;
  - c) organises meetings of the JRC-ENCR Management Committee and meetings of ENCR-JRC working groups;
  - d) organises the ENCR Scientific Meetings and ENCR General Assemblies;
  - e) organises scientific meetings and workshops;
  - f) coordinates and supports dissemination activities of the network (ENCR website, periodic ENCR newsletters, leaflets);
  - g) offers support to the individual registries (e.g. on IT issues, on data harmonisation questions, etc.);
  - h) coordinates scientifically and technically the development of JRC-ENCR yearly training agendas, and supports the organisation of trainings;
  - i) supports and promotes the role of Registries as primary data providers;
  - j) disseminates the output of data analyses in agreement with the JRC-ENCR Management Committee;
  - k) promotes the registration of cancer across Europe.
- 2.3 Where the JRC processes personal data, in particular individual cancer data, it shall do so in full compliance with Annex II. Annex II shall not apply to the transfer to and further processing by JRC of anonymous information or aggregated cancer data.

# ARTICLE 3 – RESPONSIBILITIES AND ROLE OF THE REGISTRIES

- **3.1** Each Registry undertakes to:
  - a) transmit data, in the form of individual cancer data or aggregated cancer data, to the JRC following specific Calls for data issued in accordance with the established calendar for data transmission, in full compliance with applicable law, in particular data protection legislation applicable to the Registry when individual cancer data is transmitted. The Calls for data will follow detailed protocols and will define the specific purposes for the processing of individual or aggregated cancer data, as well as the processing operations to be performed.
  - b) provide feedback on the data processed by the JRC as ECIS manager and on the output of data analysis; collaborate with the JRC for data validation;

- c) contribute to the analysis and interpretation of the monitoring results and reports related to the data they provided;
- d) obtain and maintain ethical approvals if required by the applicable law at their site.

Each Registry may implement its tasks under the present Agreement as listed above directly or indirectly through other bodies duly mandated to represent the Registry for those purposes. Accordingly, networks of Registries at regional, national or supranational level may be entitled to transmit data to JRC on behalf of Registries where they have received a mandate to do so in full compliance with applicable legislation.

- **3.2** Further, each Registry warrants and undertakes as follows:
  - a) It processes personal data relating to individuals with cancer in full compliance with applicable data protection legislation and ensures, in particular, that the data
    - Are processed lawfully;
    - Are collected for specified, explicit and legitimate purposes and not further processed in a way that is incompatible with those purposes; whereby further processing for scientific research purposes shall not be considered to be incompatible with the original purposes and shall be subject to appropriate safeguards;
  - b) It will provide information to the JRC as necessary to demonstrate compliance with applicable data protection legislation.

# **ARTICLE 4: GENERAL COMMITMENTS OF THE PARTIES**

**4.1** Duty to inform and contractual loyalty:

The Parties undertake to inform each other as soon as possible of any matter or event related to the activities covered by this Agreement, which they may be aware of and which may be of interest to the other Parties and to the proper functioning of the ENCR and the ECIS activities. Communication shall take place regularly at meetings of the JRC-ENCR Management Committee.

**4.2** Hosting members of staff:

Where staff members of one of the Parties are hosted at the offices of another Party in order for the Parties to collaborate on the development of the ENCR activities and ECIS:

- this shall be subject to prior written agreement between the Parties in question, on the understanding that all costs relating to the secondment shall be borne by the original employer;
- the staff members in question shall follow the internal rules and any general or specific rules in force relating to confidentiality, health and safety in the workplace and any guidelines which they may be notified of by the project manager of the hosting Party.

In any event, hosted members of staff shall remain under the hierarchical authority of their original employer who shall satisfy all legal requirements in respect of their social insurance and cover.

4.3 All provisions of this Collaboration Agreement apply without prejudice to the applicable law, including without limitation the law governing the right of public access to documents; as well as applicable data protection law. For the avoidance of doubt, nothing in this Agreement can be construed as on obligation for a Registry to transmit cancer data if the Registry deems this transfer to be in violation of the law applicable to that Registry. In such case, the Registry shall notify JRC thereof without undue delay and may refuse or delay the data transfer until both JRC and the Registry are satisfied that the transfer is not in violation of the law. Neither Party can claim any damages or breach of this Collaboration Agreement in cases where the other Party acts according to its obligations resulting from the applicable law.

#### ARTICLE 5 - LIABILITY

- Any loss, damage or injury of non-nuclear origin suffered by one Party in connection with the performance of this Collaboration Agreement or the specific agreement shall be borne exclusively by it. If the loss, damage or injury is caused by a person invited by one Party, as described in Article 4.2, the sending Party will be liable for it.
- 5.2 Each Party shall be exclusively liable for any loss, damage or injury of non-nuclear origin caused by its personnel to third parties, arising out of the performance of this Collaboration Agreement or the specific agreement.
- 5.3 Each Party shall indemnify the other Party for all liability in respect of any action for damages brought by third parties and caused by their respective personnel in the course of the performance of this Collaboration Agreement or the specific agreement.
- 5.4 Any liability for loss, damage or injury of nuclear origin will be determined by the legislation of the state in which the installation, which is at the origin of the loss, damage or injury, is located.

# **ARTICLE 6 – COORDINATION**

- 6.1 The Parties shall establish a JRC-ENCR Management Committee to co-ordinate the activities listed under Article 2. The JRC-ENCR Management Committee shall meet at least three times a year, in person or via videoconference.
- 6.2 The JRC-ENCR Management Committee shall consist of members of the ENCR Steering Committee, plus 2 representatives from the JRC.
- **6.3** Role of the JRC-ENCR Management Committee:
  - a) Prepares and takes decisions on the JRC-ENCR activities under this Agreement, with the ultimate aim to support the ECIS.
  - b) Decides on membership criteria, including applications for membership.

- c) Facilitates the discussions between the Registries and JRC as ECIS manager concerning the execution of the activities under this Agreement.
- d) Decides on applications for additional meetings, workshops and working groups.
- e) Decides on applications for specific scientific projects and studies regarding protocol, data and authorship.
- f) Establishes policies and adopts documents related to the JRC-ENCR Management Committee.
- g) Supports and collaborates the JRC for the activities listed in Article 2.1 and 2.2.
- h) Supports and collaborates with the JRC for all other matters related to the activities under this Agreement.

Decisions of the JRC-ENCR Management Committee are taken by consensus.

6.4 Notifications and correspondence under this Collaboration Agreement shall be sent to the contact persons listed in Annex I. The Registries shall communicate to the JRC in writing any changes with regard to the above-mentioned contact persons. Such changes do not require signing formal amendments to the present Collaboration Agreement.

#### ARTICLE 7 – FUNDS

- 7.1 All activities conducted pursuant to this Collaboration Agreement or the specific agreement shall be subject to the availability of funds, personnel and other resources as well as to the applicable laws and regulations, policies and programmes of each Party.
- 7.2 Each Party shall bear the cost of any expenditure it incurs relating to the performance of its tasks under this Collaboration Agreement or the specific agreement. There will be no transfer of money between the Parties in connection with this Collaboration Agreement or the specific agreement.

# ARTICLE 8 – INTELLECTUAL PROPERTY RIGHTS

- **8.1.** Intellectual Property (IP), and all rights pertaining thereto, created in and for the performance of this Collaboration Agreement shall belong to the Party whose Personnel created it. The owning Party shall have the right to use, exploit, assign or dispose of such IP at its own will and discretion, unless otherwise provided for in this Collaboration Agreement.
- **8.2.** The Parties shall put in place appropriate means to ensure their ownership of or rights in such IP to the extent necessary for the exercise of their duties and obligations under this Collaboration Agreement, subject to the maximum achievable extent under the applicable law.

- 8.3. Each Registry licenses to JRC any IP rights it may have on the data it transfers to the JRC under this Collaboration Agreement, on a non-exclusive, non-transferable, royalty-free, perpetual basis. JRC may use the data transferred to it by each Registry for all purposes necessary for the performance of this Collaboration Agreement,. The rights licensed to JRC to use the data include the rights to reproduce, store, modify, aggregate, compile and create derivative works, notably to produce statistical indicators, reports and studies on cancer burden as well as specific scientific projects and studies referred to in Art. 6.3 (e). Whereas the applicable data protection legislation does not concern the processing of anonymous information or aggregated data, including for statistical or research purposes, JRC may disclose to third parties information on individual cancer occurrence(s) at patient level rendered anonymous in such a manner that the data subject is no longer identifiable, or aggregated cancer data, subject to the approval by the Registry at the origin of the information to be transmitted. The foregoing is without prejudice to the provisions of Article 8.4.
- 8.4 To the extent permitted by law, JRC acquires ownership of the IP rights on the results obtained from the activities it performs under Article 8.3. Such results may include aggregated data, reports, statistical indicators, scientific projects and studies on cancer burden.

The JRC may use the results as relevant for the performance of this Collaboration Agreement as set out in Sections 2.3/IV and 2.3/V of Annex II for processing of individual cancer data; or results obtained from similar activities performed on aggregated cancer data. Provided the results do not constitute personal data, the rights of JRC on the results include the rights to publish, display, disseminate, communicate to the public and make the results publicly available in any language, by appropriate means, including on the European Union websites.

Notwithstanding the provisions of the preceding paragraph, the JRC may publish, disseminate, make publicly available, or disclose to a third party the results it obtains from the specific scientific projects and studies referred to in Art. 6.3 (e) only with prior written consent of the Management Committee on the manner, timing and contents of such disclosure, and provided the results do not constitute personal data. Consent for the foregoing may not be unreasonably withheld.

- 8.5 In case the collaboration performed under this Collaboration Agreement leads to the creation of results in the form of scientific, technical or academic publications, conference proceedings, reports, and similar written work authored through the involvement of the Personnel of both Parties, the Parties undertake to respect each other's rights, moral or economic, and to duly acknowledge and reference the authors and contributors.
- 8.6 The provisions of this Article shall remain valid and legally enforceable for the duration of the IP rights resulting from the performance of this Collaboration Agreement.

# ARTICLE 9 – CONFIDENTIALITY

9.1 The Parties undertake to keep confidential any information, documentation, data, reports referred to in Article 6 that has been declared as confidential, or any other material

communicated to them by the other Party (i) as confidential or (ii) the disclosure of which may clearly be prejudicial to the other Party, until the information legitimately becomes publicly available through other parties or through work or actions lawfully performed outside (not based on activities under this Collaboration Agreement) or has been made available to the receiving Party by another party without any confidentiality restrictions. This confidentiality obligation applies also to information communicated orally when such information shall be kept confidential, for instance in the context of information exchange through seminars and workshops.

9.2 Confidentiality of information exchanged orally or in writing in connection with this Collaboration Agreement shall be maintained for a period of five years after its expiry or termination. Notwithstanding the foregoing, any Party may indicate when communicating information to the other Party that the confidentiality of such information shall be maintained even after the said five-year period.

#### ARTICLE 10 – APPLICABLE LAW AND SETTLEMENT OF DISPUTES

- 10.1 This Agreement shall be governed and interpreted
  - a) For legal aspects relating to the protection of natural persons with regard to the processing of personal data and on the free movement of such data;
    - i. With regard to processing by each Registry: data protection legislation applicable to the Registry; for Registries in the European Economic Area, such legislation is the GDPR<sup>2</sup> and national provisions of adapting the application of the GDPR in accordance with Art. 6(2) thereof.
    - ii. With regard to processing by the JRC: the EUDPR<sup>3</sup>.
  - b) For other legal aspects, by the law of the European Union, complemented, where necessary, by the substantive law of Italy.
- 10.2 Parties shall seek to settle any dispute, controversy or claim arising out of or in connection with this Collaboration Agreement through amicable negotiations. Such effort shall be deemed to have failed when one of the Parties so notifies the other in writing.
- 10.3 If the Parties fail to settle their differences through amicable negotiations, each Party may initiate proceedings before the Court of Justice of the European Union in Luxembourg.

<sup>&</sup>lt;sup>2</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

<sup>&</sup>lt;sup>3</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (Text with EEA relevance.) (OJ L 295, 21.11.2018, p. 39–98).

# ARTICLE 11 – ENTRY INTO FORCE AND DURATION

- 11.1 This Collaboration Agreement shall enter into effect between the JRC and each Registry when it has been signed by the JRC and by that Registry. The provisions of Article 6 on Coordination and Art. 12 on Accession of a new Party shall enter into effect upon signature of the JRC and at least 7 Registries.
- 11.2 This Collaboration Agreement is concluded for a period of 4 (four) years from said date. It will be automatically extended for further periods of 4 years unless terminated or modified in accordance with the following paragraphs; or unless national legislation prevents any Registry from extending the Collaboration Agreement. In this latter case, the Registry in question shall inform the JRC accordingly at least 6 months before the expiry of the Collaboration Agreement.
- 11.3 This Collaboration Agreement may be amended only by written agreement signed by the duly authorised representatives of the Parties.
- 11.4 Each Party may terminate its participation in this Collaboration Agreement at any time upon three months prior written notice giving reasons for doing so. This shall inter alia be the case where research programmes and budget allocations are no longer compatible with the continuation of the working relationship, procedure or work programme.
- 11.5 If a Party decides to terminate this Collaboration Agreement, such termination shall be notified to the JRC who shall inform other Parties about the termination notice. At the end of the three-month period from the date of notification, this Collaboration Agreement shall cease to have legal effects between the Party which decides termination and the other Parties to this Collaboration Agreement. However, the Parties shall continue to be bound by their obligations under the Collaboration Agreement with regard to the processing of personal data transferred before that date. In particular, where a Registry terminates this Collaboration Agreement, it shall not request JRC to delete individual cancer data that the Registry had transferred before termination. Accordingly, JRC may continue to process individual cancer data previously transferred in accordance to the provisions of this Collaboration Agreement, without prejudice to obligations to erase personal data or restrict processing in accordance with applicable data protection legislation.

# ARTICLE 12 – ACCESSION OF A NEW PARTY

Following the approval of the JRC-ENCR Management Committee, an entity becomes a Party to the Collaboration Agreement upon signature of the accession document (Annex III) by the new Party and the JRC. Such accession shall have effect from the date identified in the accession document.

The following Annexes shall form an integral part of this Agreement:

- <u>Annex I</u>: List of Registries
- <u>Annex II</u>: Protection of personal data transferred by the Registries to the JRC
- Annex III: Accession Document

Signed in the English language.

The Parties hereby sign the Collaboration Agreement No. 36271 (including Agreement on Transfer of Personal Data where applicable) between the Joint Research Centre of the European Commission and Members of the the European Network of Cancer Registry.

# The Joint Research Centre of the European Commission

Done	in	Ispra	on	

Signature:

Qualified electronic signature by: GUY LOUIS M VAN DEN EEDE Date: 2022-04-02 14:25:04 +02:00

Guy van den Eede Acting Director

Directorate F – Health, Consumers and Reference Materials

Joint Research Centre

For the		
Done in	on	
Signature:		

Firmato da:

CLAUDIO VITO SILEO

Codice fiscale: SLICDV61P13A794E Organizzazione: NON PRESENTE

Valido da: 03-12-2021 15:33:50 a: 03-12-2024 02:00:00

Certificato emesso da: InfoCert Qualified Electronic Signature CA 3, InfoCert S.p.A., IT

Riferimento temporale 'SigningTime': 13-05-2022 14:40:25

Motivo: Approvo il documento

# **ANNEX I**

# LIST OF REGISTRIES

1. Austria, Austrian National Cancer Registry (ENCR Registry code EUAT999AA9)

Dr. Monika Hackl

Bundesanstalt Statistik Osterreich

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1110 Wien, Austria

2. Austria, Austrian Brain Tumour Registry (ENCR Registry code EUAT999BR9)

Prof. Johannes Hainfellner

Institute of Neurology, Medical University of Vienna

Waehringer Guertel 18-20

1090 Vienna, Austria

3. Austria, Carinthian Cancer Registry (ENCR Registry code EUATCARAA9)

Dr. Johann Klocker

Institut für Strahlentherapie und Radioonkologie, Klinikum - Klagenfurt am Wörthersee

Feschnigstraße 11

9020 Klagenfurt am Wörthersee, Austria

4. Austria, Landes Salzburg Tumor Registry (ENCR Registry code EUATSALAA9)

Dr. Richard Greil

Müllner Hauptstrasse 48

5020 Salzburg, Austria

5. Austria, Tyrol Cancer Registry (ENCR Registry code EUATTYRAA9)

Prof. Helmut Mühlböck

University Hospital Innsbruck

Anichstraße 35

6020 Innsbruck, Austria

6. Austria, Vorarlberg Cancer Registry (ENCR Registry code EUATVORAA9)

Dr. Alois Lang

Rheinstrasse 61

6900 Bregenz, Austria

7. Belgium, Belgian Cancer Registry (ENCR Registry code EUBE999AA9)

Dr. Liesbet Van Eycken

Koningsstraat/Rue Royale 215 Box 7

1210 Brussels, Belgium

8. Bosnia and Herzegovina, Cancer Registry Republika Srpska (ENCR Registry code TCBASRPAA9)

Prof. Zivana Gavric

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The Public Health Institute of Republika Srpska, Faculty of Medicine, University of Banja Luka Jovan Ducic 1

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9. Bulgaria, Bulgarian National Cancer Registry (ENCR Registry code EUBG999AA9)

Zdravka Valerianova

National Oncological Hospital

Plovdivsko Pole Street, 6

1756 Sofia, Bulgaria

10. Croatia, Croatian National Cancer Registry (ENCR Registry code EUHR999AA9)

Dr. Mario Sekerija

Croatian National Institute of Public Health

Rockefeller street 7

10 000 Zagreb, Croatia

11. Cyprus, Cyprus Cancer Registry (ENCR Registry code EUCY999AA9)

Dr. Vasos Scoutellas

Heatlh Monitoring Unit

Ministry of Health

1 Prodromou Street & 17 Chilonos Street

1448 Lefkosia, Cyprus

12. Cyprus, North Cyprus Cancer Registry (ENCR Registry code EUCYNCYAA9)

Dr. Mevhibe Hocaoğlu

Bedreddin Demirel Squire No. 142

Nicosia, Cyprus

13. Czechia, Czech National Cancer Registry (ENCR Registry code EUCZ999AA9)

Dr. Ladislav Dušek

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14. Denmark, The Danish Cancer Registry (ENCR Registry code EUDK999AA9)

Maya Christel Milter

National Institute for Health Data and Disease Control

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15. Estonia, Estonian Cancer Registry (ENCR Registry code EUEE999AA9)

Dr. Margit Mägi

National Institute for Health Development

Hiiu 42

11619 Tallinn, Estonia

16. Faroe Islands, The Faroese Cancer Registry (ENCR Registry code ACFO999AA9)

Dr. Margit Stórá

Landssjúkrahúsið

Att. Sæunn Ólavsdóttir Hansen, koordinator, Medicinsk center J. C. Svabosgøta 43

FO-100 Tórshavn, Faroe Islands

17. Finland, Finnish Cancer Registry (ENCR Registry code EUFI999AA9)

Dr. Nea Malila

Institute for Statistical and Epidemiological Cancer Research

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18. France, National Registry of Childhood Haematological Malignancies (ENCR Registry code EUFR999HE1)

Dr. Jacqueline Clavel

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Institut National de la Santé et de la Recherche Médicale

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19. France, National Registry of Mesothelioma (ENCR Registry code EUFR999ME9)

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20. France, Bas-Rhin Cancer Registry (ENCR Registry code EUFRBRHAA9)

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21. France, Bourguignon Digestive Cancer Registry (ENCR Registry code EUFRBURDI9)

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21079 Dijon cedex, France

22. France, Calvados General Cancer Registry (ENCR Registry code EUFRCALAA9)

Dr. Anne-Valérie Guizard

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14021 Caen cedex, France

23. France, Calvados Registry of Digestive Tumours (ENCR Registry code EUFRCALDI9)

Dr. Guy Launoy

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Faculté de Médecine

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24. France, Cote d Or Breast and Gynaecologic Cancer Registry (ENCR Registry code EUFRCOTBG9)

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25. France, Cote d'Or Hemopathy Registry (ENCR Registry code EUFRCOTHE9)

Prof. Marc Maynadié

Equipe d'Accueil 4184

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21079 Dijon CEDEX, France

26. France, Doubs and Belfort Territory Cancer Registry (ENCR Registry code EUFRDOBAA9)

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Registre des Tumeurs du Doubs et du Territoire de Belfort, CHRU Besançon

2 Place Saint Jacques

25030 Besançon Cedex, France

27. France, Finistere Registry of Digestive Tumours (ENCR Registry code EUFRFINDI9)

Prof. Michel Robaskiewicz

**CHRU MORVAN** 

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29609 Brest, France

28. France, Gironde Cancer Registry (ENCR Registry code EUFRGIRAA9)

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33076 Bordeaux cedex, France

29. France, Haematological Malignancies Registry of Gironde (ENCR Registry code EUFRGIRHE9)

Dr. Alain Monnereau

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33076 Bordeaux, France

30. France, Cancer registry of tumours on the nervous system in Gironde (ENCR Registry code EUFRGIRNS9)

Dr. Isabelle Baldi

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31. France, Herault Cancer Registry (ENCR Registry code EUFRHERAA9)

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32. France, Haut-Rhin Cancer Registry (ENCR Registry code EUFRHRHAA9)

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68051 Mulhouse Cedex, France

33. France, Isere Cancer Registry (ENCR Registry code EUFRISEAA9)

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38043 Grenoble Cedex 9, France

34. France, Lille Area Cancer Registry (ENCR Registry code EUFRLILAA9)

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35. France, Limousin Cancer Registry (ENCR Registry code EUFRLIMAA9)

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23 avenue Dominique Larrey

87042 Limoges cedex, France

36. France, Pays de la Loire Cancer Registry (ENCR Registry code EUFRLOIAA9)

Dr. Florence Molinié

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**CHU NANTES** 

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37. France, Marne-Ardennes Registry of Thyroid Cancer (ENCR Registry code EUFRMADTH9)

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38. France, Manche Cancer Registry (ENCR Registry code EUFRMANAA9)

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Centre Hospitalier Public du Cotentin 46, rue du Val de Saire 50102 Cherbourg-Octeville cedex, France s.bara@ch-cotentin.fr

# 39. France, Lower Normandy Hemopathy Registry (ENCR Registry code EUFRNOBHE9)

Dr. Xavier Troussard

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#### 40. France, Poitou-Charentes Cancer Registry (ENCR Registry code EUFRPOCAA9)

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86034 POITIERS CEDEX, France

#### 41. France, Somme Cancer Registry (ENCR Registry code EUFRSOMAA9)

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80054 Amiens cedex 01, France

# 42. France, Tarn Cancer Registry (ENCR Registry code EUFRTARAA9)

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#### 43. Germany, German Childhood Cancer Registry (ENCR Registry code EUDE999AA1)

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#### 44. Germany, Cancer Registry of Baden-Württemberg (ENCR Registry code EUDEBADAA9)

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Deutsches Krebsforschungszentrum (DKFZ) Heidelberg

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# 45. Germany, Population Based Cancer Registry Bavaria (ENCR Registry code EUDEBAVAA9)

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46. Germany, Munich Cancer Registry (ENCR Registry code EUDEBAYAA9)

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47. Germany, Common Cancer Registry of the Federal States Berlin, Brandenburg, Mecklenburg-Vorpommern, Sachsen-Anhalt and the Free States Saxony and Thuringia (ENCR Registry code EUDEBBEAA9)

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Office of Registration

**Common Cancer Registry** 

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48. Germany, Bremen Cancer Registry (ENCR Registry code EUDEBREAA9)

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49. Germany, Hamburg Cancer Registry (ENCR Registry code EUDEHAMAA9)

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20539 Hamburg, Germany

50. Germany, Hessen Cancer Registry (ENCR Registry code EUDEHESAA9)

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51. Germany, Epidemiological Cancer Registry North Rhine-Westphalia (ENCR Registry code EUDENRWAA9)

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52. Germany, Cancer Registry Rhineland-Palatinate (ENCR Registry code EUDERHPAA9)

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53. Germany, Saarland Cancer Registry (ENCR Registry code EUDESAAAA9)

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# 54. Germany, Lower Saxony Cancer Registry (ENCR Registry code EUDESALAA9)

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# 55. Germany, Schleswig-Holstein Cancer Registry (ENCR Registry code EUDESCHAA9)

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# 57. Greece, Nationwide Registry for Childhood Hematological Malignancies (NARECHEM) (ENCR Registry code EUGR999HE1)

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# 58. Greece, Cancer Registry of Crete (ENCR Registry code EUGRCREAA9)

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# 59. Hungary, National Pediatric Cancer Registry of Hungary (ENCR Registry code EUHU999AA1)

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#### 60. Hungary, National Cancer Registry of Hungary (ENCR Registry code EUHU999AA9)

Dr. István Kenessey

Országos Onkológiai Intézet

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1525, Hungary

61. Iceland, Icelandic Cancer Registry (ENCR Registry code ACIS999AA9)

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Jón Gunnlaugur Jónasson (Medical Director)

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105 Reykjavík, Iceland

62. Ireland, National Cancer Registry Ireland (ENCR Registry code EUIE999AA9)

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63. Italy, Basilicata Cancer Registry (ENCR Registry code EUITBASAA9)

Dr. Rocco Galasso

Basilicata, Italy

64. Italy, Bergamo Cancer Registry (ENCR Registry code EUITBERAA9)

Dr. Giuseppe Sampietro

Servizio Epidemiologico Aziendale, ATS di Bergamo

ASL Provincia di Bergamo, Registro Tumori di Bergamo

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Bergamo, Italy

65. Italy, Cancer Registry of ATS Brescia (old Cancer Registry of the Brescia Local Health Unit) (ENCR Registry code EUITBREAA9)

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25124 Brescia, Italy

66. Italy, Brindisi Cancer Registry (ENCR Registry code EUITBRIAA9)

Dr. Antonino Ardizzone

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67. Italy, Cancer Registry of Catania, Messina and Enna (ENCR Registry code EUITCAIAA9)

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68. Italy, Childhood Cancer Registry of Campania Region (ENCR Registry code EUITCAMAA1)

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#### 69. Italy, Caserta Cancer Registry (ENCR Registry code EUITCASAA9)

Dr. Perillo Agostino

Caserta, Italy

# 70. Italy, Catanzaro Tumor Registry (ENCR Registry code EUITCATAA9)

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Azienda Sanitaria Provinciale

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# 71. Italy, Reggio Emilia Cancer Registry (ENCR Registry code EUITEMIAA9)

Dr. Lucia Mangone

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42122 Reggio Emilia, Italy

# 72. Italy, Cancer Registry of Vasta Emilia Centrale Area (ENCR Registry code EUITFERAA9)

Dr. Stefano Ferretti

Dipartimento di Medicina Sperimentale e Diagnostica

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# 73. Italy, North East Italy Cancer Surveillance Network (NEICSN) (ENCR Registry code EUITFVGAA9)

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IRCCS Centro Riferimento Oncologico

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# 74. Italy, Ligurian Region Cancer Registry (ENCR Registry code EUITGENAA9)

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# 75. Italy, Cancer Registry of ATS dell'Insubria (ENCR Registry code EUITINSAA9)

Dr. Maria Gambino

ATS dell' Insubria

Varese, Italy

# 76. Italy, Latina Province Cancer Registry (ENCR Registry code EUITLATAA9)

Dr. Silvia Iacovacci

Azienda USL Latina Centro Direzionale Latina Fiori Registro Tumori Latina viale P. Nervi Torre 2 Girasoli 4100 Latina, Italy

#### 77. Italy, Liguria Mesothelioma Registry (ENCR Registry code EUITLIGME9)

Dr. Valerio Gennaro

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#### 78. Italy, Cancer Registry of South Lombardy (ENCR Registry code EUITLODAA9)

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#### 79. Italy, Mesothelioma Registry of Lombardy (ENCR Registry code EUITLOMME9)

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# 80. Italy, Macerata Province Tumor Registry (ENCR Registry code EUITMACAA9)

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# 81. Italy, Childhood and Adolescents Cancer Registry Marche Region (ENCR Registry code EUITMARAA1)

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62032 Camerino (MC), Italy

# 82. Italy, Cancer Registry of Monza-Brianza-Lecco (ENCR Registry code EUITMBLA9)

Dr. Luca Cavalieri d'Oro

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#### 83. Italy, Cancer Registry of Metropolitan City of Milan (ENCR Registry code EUITMILAA9)

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# 84. Italy, Modena Cancer Registry (ENCR Registry code EUITMODAA9)

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# 85. Italy, Modena Colorectal Tumor Registry (ENCR Registry code EUITMODCR9)

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# 86. Italy, Naples 1 Cancer Registry (ENCR Registry code EUITNA1AA9)

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# 87. Italy, Naples 2 Cancer Registry (ENCR Registry code EUITNA2AA9)

Dr. Giancarlo D'Orsi

Naples, Italy

#### 88. Italy, Cancer Registry of the Campania Region (ENCR Registry code EUITNAPAA9)

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c/o Azienda Sanitaria Napoli 3 Sud

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# 89. Italy, Nuoro Cancer Registry (ENCR Registry code EUITNUOAA9)

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#### 90. Italy, Palermo Province Cancer Registry (PPCR) (ENCR Registry code EUITPALAA9)

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# 91. Italy, Cancer Registry of Parma (ENCR Registry code EUITPARAA9)

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#### 92. Italy, Cancer Registry Province of Pavia (ENCR Registry code EUITPAVAA9)

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Public Health Agency of Pavia

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# 93. Italy, Piacenza Cancer Registry (ENCR Registry code EUITPIAAA9)

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# 94. Italy, Childhood Cancer Registry of Piedmont (ENCR Registry code EUITPIEAA1)

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#### 95. Italy, Puglia Cancer Registry (ENCR Registry code EUITPUGAA9)

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# 96. Italy, Ragusa and Caltanissetta Cancer Registry (formerly Ragusa Cancer Registry) (ENCR Registry code EUITRAGAA9)

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# 97. Italy, Emilia-Romagna Cancer Registry (formerly Romagna Tumor Registry) (ENCR Registry code EUITROMAA9)

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# 98. Italy, Salerno Province Tumor Registry (ENCR Registry code EUITSALAA9)

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#### 102. Italy, Siracusa Cancer Registry (ENCR Registry code EUITSYRAA9)

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Registro Territoriale di Patologia

Health Unit of Siracusa

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#### 103. Italy, Trento or Trento Province Cancer Registry (ENCR Registry code EUITTREAA9)

Dr. Roberto Vito Rizzello

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Azienda Provinciale per i Servizi Sanitari - Provincia Autonoma di Trento

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# 104. Italy, Trapani-Agrigento Cancer Registry (ENCR Registry code EUITTRPAA9)

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#### 107. Italy, Umbrian Tumor Registry (ENCR Registry code EUITUMBAA9)

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#### 108. Italy, Aosta Valley Cancer Registry (ENCR Registry code EUITVALAA9)

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# 109. Italy, Val Padana Cancer Registry (ENCR Registry code EUITVAPAA9)

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#### 110. Italy, Veneto Cancer Registry (ENCR Registry code EUITVENAA9)

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#### 111. Italy, Viterbo Province cancer Registry (ENCR Registry code EUITVITAA9)

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#### 112. Latvia, Latvian Cancer Register (ENCR Registry code EULV999AA9)

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# 113. Liechtenstein, Cancer Registry Liechtenstein (ENCR Registry code TCLI999AA9)

Dr. Mohsen Mousavi

# 114. Lithuania, Lithuanian Cancer Registry (ENCR Registry code EULT999AA9)

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#### 115.Luxembourg, Morphological Tumour Registry (ENCR Registry code EULU998AA9)

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#### 116.Luxembourg, Cancer Registry of Luxembourg (ENCR Registry code EULU999AA9)

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#### 117. Malta, Malta National Cancer Register (ENCR Registry code EUMT999AA9)

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#### 118. Montenegro, Registry of Malignant Neoplasms of Montenegro (ENCR Registry code ACME999AA9)

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# 119. Netherlands, Netherlands Cancer Registry (ENCR Registry code EUNL999AA9)

Dr. Otto Visser

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# 120. Norway, Cancer Registry of Norway (ENCR Registry code ACNO999AA9)

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Kreftregisteret

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# 125. Poland, Cracow Cancer Registry (ENCR Registry code EUPLLEPAA9)

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# 127. Poland, Lower Silesian Regional Cancer Registry (ENCR Registry code EUPLLSIAA9)

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Dr. Filomena Pereira

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#### 133. Portugal, Azores Cancer Registry (ENCR Registry code EUPTAZOAA9)

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# 134. Portugal, Central Portugal Cancer Registry (ENCR Registry code EUPTCOIAA9)

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# 135. Portugal, North Region Cancer Registry of Portugal (ENCR Registry code EUPTNOPAA9)

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# 136. Portugal, ROR-SUL (South Regional Cancer Registry) (ENCR Registry code EUPTSOLAA9)

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# 138. Romania, Cancer registry Bucharest-Ilfov (ENCR Registry code EUROBCHAA9)

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#### 139. Romania, Cluj Regional Cancer Registry (ENCR Registry code EUROCLUAA9)

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#### 140. Romania, Centre Regional Cancer Registry - TARGU-MURES (ENCR Registry code EUROTAMAA9)

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# 141. Romania, Timisoara Regional Cancer Registry (ENCR Registry code EUROTIMAA9)

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#### 143. Slovakia, National Cancer Registry of Slovakia (ENCR Registry code EUSK999AA9)

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#### 148. Spain, Mallorca Cancer Registry (ENCR Registry code EUESBALAA9)

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#### 153. Spain, Castellon Cancer Registry (ENCR Registry code EUESCASAA9)

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#### 154. Spain, Ceuta Cancer Registry (ENCR Registry code EUESCEUAA9)

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#### 155. Spain, Cancer Registry of Ciudad Real (RCCR) (ENCR Registry code EUESCIUAA9)

Dr. Matilde Chico

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#### 156. Spain, Cancer Registry of Cuenca (ENCR Registry code EUESCUEAA9)

Dr. Ana Isabel Marcos Navarro

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#### 157. Spain, Girona Cancer Registry (ENCR Registry code EUESGIRAA9)

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#### 158. Spain, Granada Cancer Registry (ENCR Registry code EUESGRAAA9)

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## 159. Spain, Registro Poblacional de Cáncer en la Infancia y Adolescencia de la Comunidad de Madrid (ENCR Registry code EUESMADAA1)

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#### 160. Spain, Murcia Cancer Registry (ENCR Registry code EUESMURAA9)

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#### 161. Spain, Navarra Cancer Registry (ENCR Registry code EUESNAVAA9)

Dr. Eva Ardanaz Aicua

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#### 162. Spain, La Rioja cancer registry (ENCR Registry code EUESRIOAA9)

Dr. Josefina Perucha González

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#### 163. Spain, Tarragona Cancer Registry (ENCR Registry code EUESTARAA9)

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## 164. Spain, Comunitat Valenciana Childhood Cancer Registry (ENCR Registry code EUESVALAA1)

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#### 165. Sweden, Swedish Cancer Registry (ENCR Registry code EUSE999AA9)

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## 168. Switzerland, Aargau Cancer Registry (ENCR Registry code ACCHAGAAA9)

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#### 169. Switzerland, Basel Cancer Registry (ENCR Registry code ACCHBASAA9)

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#### 170. Switzerland, Bern Solothurn Cancer Registry (ENCR Registry code ACCHBERAA9)

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#### 171. Switzerland, Fribourg Tumor Registry (ENCR Registry code ACCHFRIAA9)

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#### 172. Switzerland, Geneva Cancer Registry (ENCR Registry code ACCHGENAA9)

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#### 173. Switzerland, Graubünden and Glarus Cancer Registry (ENCR Registry code ACCHGGLAA9)

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#### 174. Switzerland, Neuchatel Cancer Registry (ENCR Registry code ACCHNEUAA9)

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#### 175. Switzerland, East Switzerland Cancer Registry (ENCR Registry code ACCHSGAAA9)

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## 176. Switzerland, Thurgau Cancer Registry (ENCR Registry code ACCHTHUAA9)

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#### 177. Switzerland, Ticino Cancer Registry (ENCR Registry code ACCHTICAA9)

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#### 178. Switzerland, Valais Cancer Registry (ENCR Registry code ACCHVALAA9)

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## 182. Ukraine, National Cancer Registry of Ukraine (ENCR Registry code OTUA999AA9)

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## 183. United Kingdom, Northern Region Young Persons' Malignant Disease Registry (ENCR Registry code ACUKENRAA1)

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ACUKERSAA9)

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#### 185. United Kingdom, West Midlands Regional Children's Tumour Registry (ENCR Registry code ACUKEWMAA1)

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#### 186. United Kingdom, Northern Ireland Cancer Registry (ENCR Registry code ACUKNIRAA9)

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#### 187. United Kingdom, Scottish Cancer Registry (ENCR Registry code ACUKSCOAA9)

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## 188. United Kingdom, Welsh Cancer Intelligence and Surveillance Unit (ENCR Registry code ACUKWALAA9)

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## ANNEX II

# PROTECTION OF PERSONAL DATA TRANSFERRED BY THE REGISTRIES TO THE JRC

#### SECTION 1 - SCOPE OF THE RULES IN THE PRESENT ANNEX II

The rules in the present Annex II apply exclusively to the processing of personal data by the JRC; whereby 'personal data' shall have the same meaning as in the GDPR and EUDPR.

In particular, these rules apply to the processing of individual cancer data transferred by the registries to and further processed by the JRC; whereby 'individual cancer data' means personal data on individual cancer occurrence(s) at patient level transferred by population-based cancer registries affiliated to ENCR to the JRC pursuant to the present Agreement.

They do not apply to the processing of anonymous information or to aggregated cancer data transferred by the registries to and further processed by the JRC.

## SECTION 2 - CORE PRINCIPLES OF PROCESSING OF PERSONAL DATA BY THE JRC

- 2.1 Without prejudice to the commitments and undertakings of the JRC under the present Agreement, the JRC determines alone the purposes and means of further processing. In accordance with Art. 3(8) EUDPR, the JRC is therefore to be considered as a new controller. In accordance with Art. 5 EUDPR, the JRC alone shall be responsible for the compliance of its own processing with applicable data protection legislation.
- 2.2 The JRC, as part of the Commission as subsequent controller for the further processing of the personal data transferred by the registries, is subject to the EUDPR. As stated in Recital 4 and 5 thereof, the EUDPR results from the adaptation of the data protection rules applicable to the EU institutions to the principles and rules of the GDPR. The scheme of the EUDPR is understood as equivalent to the scheme of the GDPR and those two sets of provisions should be interpreted homogeneously.
- 2.3 The JRC shall process the personal data transferred as described below and has the legal authority to give the warranties and fulfil the undertakings set out in this Agreement. The JRC will provide information to the Registries as necessary to demonstrate compliance with applicable data protection legislation.

#### I. Data subjects

"Individual cancer data" are personal data on individual cancer occurrence(s) at patient level provided by population-based cancer registries affiliated to ENCR. Data subjects are patients of cancer occurrences.

## II. Categories of data

Individual cancer data may include the following categories of data:

• Information about the area of residence of the patient (such as region or subregion);

- Medically relevant data on the patient (such as month of birth, year of birth, gender and age at diagnosis);
- Clinical data about the cancer (such as tumour identifier, month of incidence, year of incidence, topography, morphology, stage at diagnosis, type of treatment received and other clinically relevant information);
- Variables related to follow up (such as vital status, duration of survival, and cause of death).

## III. Purposes for processing of individual cancer data

The JRC, as new controller, shall process individual cancer data exclusively for scientific research purposes in support of public health policies, within the JRC mission to provide Union policies with independent scientific evidence and technical support throughout the policy cycle. In accordance with Recital 159 GRPR, scientific research purposes should also include studies conducted in the public interest in the area of public health.

In particular, such scientific research purposes are the following:

- gaining a better understanding of cancer epidemiology, aetiology, clinics, therapy and care, genetics, and correlations with socio-economic aspects;
- providing a scientific basis for the evaluation and design of EU and national public health policies aimed at improving prevention, diagnosis, treatment and care of cancer;
- supporting research by national and international bodies in the fields of cancer epidemiology, clinical medicine, basic and translational research, pharmacology prevention, diagnosis and treatment.

Within the scientific research purposes set out above, the Call for data shall define in detail the specific purposes for the processing of individual cancer data. The JRC shall process individual cancer data exclusively for the specific purposes defined in the Call for Data and in full compliance with the EUDPR, in particular Art. 1 (b) thereof (purpose limitation principle).

## IV. Processing Activities and Storage Period – Regular operation of the ECIS

Within the scientific research purposes set out in part III above and specified in detail in the Call for Data, the JRC will process individual cancer data for the regular operation of the ECIS. The JRC processing activities on individual cancer data, include, in particular, the following:

- Facilitating submission of individual cancer data by registries and exchange of information through a dedicated secure online portal;
- Conducting quality control and standardising individual cancer data provided by registries, in order to ensure the reliability of the results and information produced. Such quality control shall be carried out in accordance with agreed scientific standards;

- Where JRC detects potential inaccuracies or incompleteness of individual cancer data, JRC shall draw attention on the specific occurrence to the respective registries that provided the data, so that the registries can take appropriate action in accordance with its applicable legislation, in particular rectification of inaccurate data or completing incomplete data;
- Producing statistical indicators on the cancer burden, in particular relating to incidence, mortality, prevalence and survival, and information resulting from scientific research on cancer epidemiology, etiology, clinics, therapy and care, genetics and correlations with socio-economic aspects;
- Ensuring that statistical indicators aimed at dissemination to the public do not constitute personal data, namely that they cannot be attributed to a natural person who is identifiable taking into account all the means reasonably likely to be used to identify the natural person directly or indirectly. The precise methodology to ensure statistical confidentiality shall be specified in detail in the Call for data. Where a statistical indicator includes fewer than 3 individuals for a given statistical unit, the JRC and the Registry at the origin of the individual cancer data will agree on the modalities for dissemination of that statistical indicator.
- Provided that statistical indicators do not constitute personal data, disseminating statistical indicators on the cancer burden, in particular relating to incidence, mortality, prevalence and survival, and information resulting from scientific research on cancer epidemiology, etiology, clinics, therapy and care, genetics and correlations with socioeconomic aspects, including through publication on the ECIS website, freely accessible to the public.
- Using and releasing the statistical indicators on cancer burden for support to EU and national public health policies.

## Storage Period

Cancer data shall be kept for a maximum total storage period of 10 years from the moment of submission by the registries. After that maximum total storage period, the cancer data will be destroyed

Cancer data shall be kept for the purposes of carrying out the processing activities described above for a maximum period of 5 years.

Subsequently, cancer data will be kept for archiving purposes in order to perform data verification and audits in case inaccuracies, inconsistencies or incompleteness are detected. The additional storage period for such secondary, compatible purposes will be for a maximum of 5 years from the moment of publication of the statistical indicators, or until a new set of statistical indicators produced on the basis of a new set of cancer data submitted by national registries is published, whichever date comes first.

## V. Processing Activities and Storage Period - Specific Scientific Projects and Studies

Within the scientific research purposes set out in part III above, the JRC will process individual cancer data for specific scientific projects and studies referred to in Art. 6.3 (e). The details of the processing of individual cancer data necessary for each specific scientific research project or study, including the storage period, will be defined in the specific data request to the registries, and the request will be approved by the Management Committee in accordance with Art. 6.3 of the Collaboration Agreement. The JRC will process individual cancer data in accordance with the conditions set out in the data request and in full compliance with the EUDPR.

The publication of results of specific scientific projects and studies will take place in accordance with the conditions set out in the data request. In the absence of specific conditions,

- where such results do not constitute personal data, it will take place in accordance with the provisions of Article 8.4, third paragraph of the present Collaboration Agreement.
- Where such result constitute personal data, it will take place in accordance with the provisions of Section 4 of the present Annex II ('DISCLOSURE OF DATA AND ONWARDS TRANSFERS') and in full compliance with the EUDPR.
- 2.4 In accordance with Art. 4(1)(b) EUDPR, the processing of individual cancer data by JRC for scientific research purposes, including scientific research to support public policies, is not considered to be incompatible with the initial purposes for which the data were collected. In accordance with Recital 25 EUDPR further processing for scientific research purposes should be considered to be compatible lawful processing operations.
- 2.5 In accordance with Art. 5(1) EUDPR, processing by the JRC is lawful.

In accordance with Recital 25 EUDPR, where the processing is compatible with the purposes for which the personal data were initially collected, no legal basis separate from that which allowed the collection of personal data is required.

In addition to it, the applicable legal basis referred to in Art. 5(1) EUDPR for the processing is the following:

a) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body, on the basis of Union law.

In accordance with Article 2.3 of the present Annex II, the JRC will provide information to the Registries on the applicable Union law.

2.6 Processing involves personal data concerning health, which are considered special categories of data.

In accordance with Art. 10 EUDPR, processing by the JRC is lawful. The applicable legal basis referred to in Art. 10 EUDPR for the processing of special categories of data is the following:

j) the processing is necessary for scientific research purposes based on Union law which shall be proportionate to the aim pursued, respect the essence of the right to data protection

and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

In accordance with Article 2.3 of the present Annex II, the JRC will provide information to the Registries on the applicable Union law.

## SECTION 3 - SAFEGUARDS, SECURITY MEASURES AND CONFIDENTIALITY

3.1 In accordance with Art. 13 EUDPR, the JRC will make processing of personal data subject to appropriate safeguards to ensure that technical and organisational measures are in place in particular in order to ensure respect for the principle of data minimisation.

Accordingly, the JRC declares that, at the moment of signing the present Agreement, it implements the following measures to safeguard the rights and freedoms of data subjects:

## Pseudonymisation

Individual cancer data are received and further processed by JRC as pseudonymised data. Individual cancer data shall be linked to a code and not to a name of a specific person. The key of the pseudonymisation is held by the registries and is not exchanged with the JRC. Cancer registries may delete the pseudonymisation key after agreement with the JRC that the quality control of their data has been completed.

Where the Registry providing the individual cancer data has additional information which is not relevant for scientific research purposes, and which would allow JRC to attribute the individual cancer data to a specific data subject, such additional information shall be kept by the Registry separately and shall not be made accessible to the JRC. The JRC shall not request the cancer Registry to provide such additional information.

Information to data subject on their rights

Privacy notices prepared by JRC will be provided to all the ENCR registries contributing with data. Registries will be asked to make reference to these privacy notices in their privacy statements and make available the information to the data subjects. A link to the privacy notices prepared by JRC is available also on the ENCR website.

These measures are described for information purposes only. The JRC may unilaterally decide at any time to adopt different measures to comply with the requirements set out in the EUDPR.

3.2 In accordance with Art. 33 EUDPR, the JRC will implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk, taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risks of varying likelihood and severity for the rights and freedoms of natural persons.

Accordingly, the JRC declares that, at the moment of signing the present Agreement, it implements the following technical and organisational measures:

#### Professional secrecy

JRC staff processing individual cancer data is subject to a duty of professional secrecy.

Access limitation and staff awareness

Access to individual cancer data within JRC is limited to selected staff having been formally authorised by the JRC management. JRC puts in place regular awareness-raising measures among authorised staff on their duties with regard to the level of security to be ensured.

Other technical and organisational measures

- The processing of individual cancer data by JRC is subject to the requirements set out in Commission Decision COM (2017)/46<sup>4</sup> and its implementing rules<sup>5</sup> on the security of communication and information systems in the European Commission. Compliance with these rules provide appropriate safeguards in regard to personal data in full compliance with the data protection rules applicable to the Commission.
- In particular, the following measures are adopted:
  - standard mandatory measures for access control and authentication, IT asset management, backups, business continuity, compliance, control against malicious code;
  - information security and risk management;
  - encryption, logging and monitoring of access, management of vulnerabilities from removable media, physical and environmental security, secure systems development, IT vulnerability and remediation management, web applications security standards;
  - The system compliance is checked by a risk management process followed by the Local Informatics Security Officer (LISO).

These measures are described for information purposes only. The JRC may unilaterally decide at any time to adopt different measures to comply with the requirements set out in the EUDPR.

3.3 In accordance with Art. 30 and 33 EUDPR, the JRC's processor, if appointed, and any person acting under the authority of the JRC or of the processor, who has access to personal data, will not process those data except on instructions from the controller, unless required to do so by Union or Member State law.

#### SECTION 4 - RIGHTS OF THE DATA SUBJECT AND TRANSPARENCY

<sup>&</sup>lt;sup>4</sup> Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission, C/2016/8998, *OJ L 6, 11.1.2017, p. 40–51* 

<sup>&</sup>lt;sup>5</sup> Commission Decision (EU, Euratom) 2018/559 of 6 April 2018 laying down implementing rules for Article 6 of Decision (EU, Euratom) 2017/46 on the security of communication and information systems in the European Commission, C/2018/1726, *OJ L 93*, 11.4.2018, p. 4–10

4.1 The JRC will take the necessary measures to ensure the exercise of the rights of the data subjects in accordance with Chapter III EUDPR, including the right to information, access to personal data, rectification and erasure, right to object and rights relating to automated individual decision-making, including profiling, without prejudice to restrictions in accordance with Art. 25 EUDPR.

In the implementation of the relevant provisions of the EUDPR, account will be taken of the following:

- (a) With regard to Art. 12 and 14(2) EUDPR, the JRC processes individual cancer data only in a form that does not or no longer require the identification of the data subject.
- (b) With regard to Art. 16 EUDPR, the JRC has obtained individual cancer data from the Registries pursuant to this Agreement, and not from the data subject.
- (c) With regard to Art. 16(5) EUDPR, the JRC processes individual cancer data subject to pseudonymisation for scientific research purposes, is not in a position to identify the data subject, and therefore the provision of information on the processing by the JRC to the data subject would prove impossible or would involve a disproportionate effort.
- 4.2 In accordance with Art. 31 EUDPR, the JRC will maintain a record of processing activities under its responsibility, including the processing activities performed on individual cancer data received by the importer under the present Agreement. The record will be kept in a central register, which is publicly available.

Accordingly, the JRC declares that, at the moment of signing Amendment 1 to the present Agreement, it provides information on the processing of personal data as follows:

- Data subjects can access the register at the following link: <a href="http://ec.europa.eu/dpo-register">http://ec.europa.eu/dpo-register</a>.
- The specific processing activities covered by the present Agreement have been notified to the Data Protection Officer of the European Commission with the following reference: DPR-EC-01972.2. The privacy statement is joined to the record included in the public register

These measures are described for information purposes only. The JRC may unilaterally decide at any time to adopt different measures to comply with the requirements set out in the EUDPR.

#### SECTION 5 - DISCLOSURE OF DATA AND ONWARDS TRANSFERS

- 5.1 In accordance with Art. 9 EUDPR, the JRC will only transmit individual cancer data to recipients other that Union institutions and bodies if:
  - (a) the recipient establishes that the data are necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the recipient; or
  - (b) the recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the JRC, where there is any reason to assume that the data subject's legitimate interests might be prejudiced, establishes that it is

proportionate to transmit the individual cancer data for that specific purpose after having demonstrably weighed the various competing interests.

Where the JRC initiates the transmission under this Article, it will demonstrate that the transmission of individual cancer data is necessary for and proportionate to the purposes of the transmission by applying the criteria laid down in points (a) or (b) above.

In addition to the requirements set out above, the transmission of individual cancer data to third parties will need to be approved by the Registry at the origin of the individual cancer data to be transmitted. The Registry will notify JRC its approval once it is satisfied that the envisaged transfer complies with applicable national legislation, including with requirements imposed on the recipient.

- 5.2 In the framework of access to document requests, personal data may be transmitted by the JRC to recipients in compliance with Union law, which reconciles the right to the protection of personal data with the right of access to documents.
- 5.3 In accordance with Art. 46 EUDPR, any disclosure or transfer of individual cancer data by the JRC to a recipient located outside the European Economic Area (EEA) or to an international organisation may take place only subject to the provisions of Chapter V EUDPR to ensure that the level of protection of natural persons guaranteed by the EUDPR is not undermined.

#### **SECTION 6 - INDEPENDENT SUPERVISION**

In accordance with Art. 58 EUDPR, the JRC declares that it is subject to the investigative powers of the European Data Protection Supervisor, including the power to order the controller to provide any information; the power to carry out investigations in the form of data protection audits; the power to notify the controller of alleged infringements; and the power to obtain access to all personal data and to all information necessary, as well and access to any premises of the controller and any data processing equipment in accordance with Union law. In accordance with Art. 61 EUDPR, the European Data Protection Supervisor shall cooperate with national supervisory authorities to the extent necessary for the performance of their respective duties.

## **ANNEX III- ACCESSION DOCUMENT**

#### **ACCESSION**

of a new Party to the Collaboration Agreement No. [to be added] between the Joint Research Centre of the European Commission and the members of the European Network of Cancer Registries (ENCR) for the public health surveillance of cancer.

## [OFFICIAL NAME OF THE NEW PARTY]

hereby consents to become a Party to the Collaboration Agreement identified above and accepts all the rights and obligations of a Party.

The Joint Research Centre of the European Commission acting as ECIS manager hereby certifies that the JRC-ENCR Management Committee has accepted in the meeting held on [date] the accession of

[the name of the new Party] to the Agreement.

The accession of the name of the new Party to the Collaboration Agreement shall become effective on the date of the signature by the last Party of this Accession document.

Signed in two originals in the English language.

## [Date and Place]

[INSERT NAME OF THE NEW PARTY]

Signature(s)

Name(s) Title(s)

#### [Date and Place]

Joint Research Centre of the European Commission

Signature(s)

Name(s)

Title(s)