



Data Protection Notice

Data protection officer (DPO) processing activities

In accordance with the Regulation (EU) 2018/1725 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 data¹ ('the Regulation'), the European Research Executive Agency ('the Agency' or 'REA') collects your personal information only to the extent necessary to fulfil a precise purpose related to our tasks.

1. WHY DO WE COLLECT YOUR PERSONAL DATA?

The purpose of the processing is to allow the Data Protection Officer/Deputy DPO to collect and further process personal data where strictly necessary to perform their tasks² in line with the requirements of the Regulation.

Such tasks are:

- to ensure in an independent manner the application in the Agency of the Regulation and monitor its implementation;
- to raise awareness and contributing to creating a culture of protection of personal data within the Agency;
- to make recommendations and give advice to data controllers, data protection contact points, processors and staff;
- to assist the data controllers and its staff in the preparation of their records of processing activities;
- to handle and provide advice on applications by individuals on the exercise of their rights under data protection rules (i.e. data subject requests);
- to support and advise on handling of data breach cases;
- to provide advice and assist, when requested, the responsible staff to assess the data protection risks of the processing activities under their responsibility when carrying out data protection impact assessments or assessing transfers ground;
- to keep relations with the EDPS, including files concerning (prior) consultations, provision of information and notifications of data breaches;
- to handle queries and potential complaints received from individuals who consider that the Agency have not acted in accordance with the data protection rules; performing inspections, audits, etc.

¹ 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 (OJ L 295 of 21.11.2018, p.39)

² DPO tasks are described in Article 45 of the Regulation and, pursuant to this article, detailed in the **DPO Implementing rules**, decided by the Steering Committee of the European Research Executive Agency (REA) on 13 October 2021, ref. Ares(2021)7165947

2. WHO IS RESPONSIBLE FOR THIS PROCESS?

The controller is the European Research Executive Agency (REA or the Agency), represented by its Director. For organisational reasons, the role of the data controller has been entrusted by the Director to the delegated controller and is exercised by REA Data Protection Officer. The controller/delegated controller may be contacted via functional mailbox: REA-DATA-PROTECTION-OFFICER@ec.europa.eu

3. WHAT IS THE LEGAL BASIS TO COLLECT YOUR DATA?

In accordance with Article 5(1) of Regulation 2018/1725, our processing is necessary for:

- (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 body³,
- (a2) including processing of personal data necessary for the management and functioning of the Union Institutions or bodies [Recital 22]
- (b) processing is necessary for compliance with a legal obligation to which the controller is subject under this Regulation;
- (c) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- (d) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- (e) processing is necessary in order to protect the vital interests of the data subject or of another natural person.

4. WHICH PERSONAL DATA ARE COLLECTED?

Any personal data of any individuals, whose personal data are processed by the Agency or its processors, which is necessary for the DPO to perform his/her monitoring, investigative, auditing or consultative activities.

These personal data may be:

- First name, last name and function;
- Contact details (e-mail address, telephone number, postal address, company and department, country of residence, etc.);

³ The legal basis under Article 5(1): **Council Regulation (EC) No 58/2003** of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes, OJ L 11, 16.1.2003; **REA Establishment act: COMMISSION IMPLEMENTING DECISION (EU) 2021/173** of 12 February 2021 establishing [...] the European Research Executive Agency, [...] and repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU, OJ L 50, 15.2.2021; **REA Delegation Act: COMMISSION DECISION C(2021)952** of 12.2.2021 delegating powers to the European Research Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of Research and Innovation, Research of the Fund for Coal and Steel and Information Provision and Promotion Measures concerning Agricultural Products comprising, in particular, implementation of appropriations entered in the general budget of the Union; **DPO implementing rules: Decision of the REA Steering Committee** laying down the implementing rules concerning the Data Protection Officer, pursuant to Article 45 of the Regulation, REA/SC(2021) 4.3.2, ref. Ares(2021)7165947

- A copy of an identity document (where relevant);
- Case involvement data (ref no, etc...);
- Any other types of personal data specific to the processing operation that the DPO monitors, investigates, audits or is being consulted upon (complaint, registration of data breaches, etc...).

These data may be obtained:

- directly from the data subjects where they exercise their rights under the Regulation (consult the DPO or request that s/he carry out monitoring, investigations or audits, etc...); or
- from other natural and legal persons where they consult the DPO or request that he carry out monitoring, investigations or audits; from the EDPS in relation to the complaints transmitted or inspections launched by EDPS.

The DPO does not collect per se sensitive categories of personal data under Articles 10 and 11 of the Regulation. However, any personal data, processed by the Agency or its processors (including sensitive categories of personal data), might potentially be communicated to the DPO for the purpose of his /her monitoring, investigative, auditing or consultative activities..

5. WHO WILL HAVE ACCESS TO YOUR PERSONAL DATA?

a. WHO WILL HAVE ACCESS TO THE DATA WITHIN THE AGENCY?

- The Data Protection Officer and Deputy Data Protection Officer, who are responsible for carrying out the processing operation;
- Other Agency authorised staff in accordance with the “need to know” principle: Director, Head of Department, Head of Unit D1 etc.;
- In case of audits or other proceedings: REdeputA Internal Control Sector, Legal Sector, HR and any other concerned services.
- Any staff person whose data are processed by the Agency as controller or its processors and potentially be affected by a personal data breach, complaints, audits or inspections.

b. WHO WILL HAVE ACCESS TO THE DATA OUTSIDE THE AGENCY?

- The EDPS for processes involving their activities (e.g. data breach notifications, complaints, audits or inspections, etc...);
- Any individuals, whose personal data are processed by the Agency as controller or its processors and potentially be affected by a personal data breach, complaints, audits or inspections;

In addition, your personal data may be disclosed and transmitted to public authorities, which may receive them in the framework of a particular inquiry in accordance with Union or Member State law. These public authorities shall not be regarded as recipient in accordance with Union or Member State law (such as the European Court of Justice, European Anti-Fraud Office (OLAF), European Public Prosecutor Office (EPPO), etc.). The processing of those data by those public authorities shall comply with the applicable data protection rules according to the purpose of the processing.

6. HOW LONG DO WE KEEP YOUR PERSONAL DATA?

- a) Personal information is not be kept for a longer period than necessary having regard to the purpose of the processing.

The Agency applies by analogy the principles and retention periods indicated in the Common-Level indicated in sections 2.4.15, 9.6.7-8, 12.8.5 of Annex 1 of the Common Retention List for European Commission Files (https://ec.europa.eu/info/sites/info/files/sec-2019-900_en.pdf).

The personal data collected and related to this processing will be kept for a maximum period of 5 years after closure of the following files:

- Files concerning relation with the EDPS including consultations, provisions of information & notifications of data breaches;
- Files regarding the implementation of the Regulation;
- Applications for the exercise of data subjects rights;
- Complaints about maladministration & infringements of data protection rules;

b) Is any further processing for historical, statistical or scientific purposes envisaged, which would go beyond the normal retention period? No

7. INTERNATIONAL TRANSFERS: Not applicable

8. WHAT ARE YOUR RIGHTS?

You may have access to your personal data and may exercise your right of information / access / rectification / erasure / restriction / data portability / objection / withdrawal of consent by contacting the data controller at: REA-DATA-PROTECTION-OFFICER@ec.europa.eu

Any request from a data subject to exercise a right will be dealt within one month from receipt of the request. This period may be extended pursuant to Article 14(3) of Regulation (EU) 2018/1725. Your right to information, access, rectification, erasure, restriction or objection to processing, communication of a personal data breach or due to confidentiality of electronic communications may be restricted only under certain specific conditions as set out in the applicable [Restriction Decision](#)⁴ in accordance with Article 25 of the Regulation.

9. CONTACT INFORMATION

In case you have any questions about the collection/processing of your personal data, you may contact the data controller who is responsible for this processing activity by using the following email address: REA-DATA-PROTECTION-OFFICER@ec.europa.eu

Further to the above, the following instances can be addressed to REA Data Protection Officer (DPO) at: REA-DATA-PROTECTION-OFFICER@ec.europa.eu

In case of conflict, complaints can be addressed to the European Data Protection Supervisor: EDPS@edps.europa.eu.

⁴ Decision of the Steering Committee of the Research Executive Agency (REA) on internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data in the framework of activities carried out by the Agency (*OJ L 198, 4.6.2021, p. 5–14*)