



EUROPEAN RESEARCH EXECUTIVE AGENCY (REA)

**RECORD OF PERSONAL DATA PROCESSING ACTIVITY**

*In accordance with Article 31 of 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 data<sup>1</sup> ('the Regulation'), individuals whose personal data are processed by the European Research Executive Agency ('REA' or 'the Agency') in any context whatsoever are to be protected with regard to the processing of personal data and the Agency has to keep records of their processing activities.*

Record No: 57  
 Created on (date): April 2022  
 Last update (date): August 2022

**NAME OF THE PROCESSING ACTIVITY**

Handling requests for access to documents lodged under Regulation (EC) No 1049/2001

**GROUND FOR THE RECORD (TICK THE RELEVANT ONE):**

- Regularization of a data processing activity already carried out
- Record of a new data processing activity prior to its implementation
- Change of a data processing activity

**IDENTIFICATION OF THE DATA CONTROLLER**

European Research Executive Agency (REA)

<sup>1</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 (OJ L 295 of 21.11.2018, p.39).

# 1. MANDATORY RECORD UNDER ARTICLE 31 OF THE REGULATION

(PART I - PUBLISHABLE VERSION FOR EXTERNAL PUBLICATION)

## 1.1. Contact details of controller

The controller is the European Research Executive Agency (REA), represented by its Director. For organisational reasons, the role of data controller has been entrusted by the Director to the delegated controller; this delegation is limited to initial applications are concerned. This role is exercised by REA Head of Unit D.1 “Planning, Knowledge and Compliance” (the delegated controller).

The delegated controller may be contacted via functional mailbox: [REA-ACCESS-DOCUMENTS@ec.europa.eu](mailto:REA-ACCESS-DOCUMENTS@ec.europa.eu)

## 1.2. Contact details of the Data Protection Officer (DPO)

REA DPO: [REA-DATA-PROTECTION-OFFICER@ec.europa.eu](mailto:REA-DATA-PROTECTION-OFFICER@ec.europa.eu)

## 1.3. Name and contact details of joint controller (where applicable) N.A.

## 1.4. Name and contact details of processor (where applicable) N.A.

## 1.5. Purpose of the processing

This processing of personal data is performed for handling initial and confirmatory applications (also referred to as “requests”) for access to documents lodged under Regulation (EC) No 1049/2001 within the prescribed legal deadlines.

The personal data may be processed further, to allow:

- compliance with reporting needs, as provided under Article 17 of Regulation (EC) No 1049/2001,
- preservation and retrieval of relevant information where required: for coherence and fair treatment of similar requests; in case of an inquiry by the European Ombudsman; in case of court proceedings with regard to an application for access to documents treated by REA; other checks and inspections by responsible central services.

## 1.6. Legal basis for the processing

The legal basis for the processing based on Article 5(1) of Regulation (EU) 2018/1725:

(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<sup>2</sup>;

(b) processing is necessary for compliance with a legal obligation to which the controller is subject to and, in particular:

- Article 15 of the Treaty of the Functioning of the European Union<sup>3</sup>;

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<sup>2</sup> The legal bases under Article 5(1)(a): **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 Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture 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.

- Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>4</sup>;
- REA Steering Committee Decision REA/SC(2008)4 rev.1<sup>5</sup>

### 1.7. Categories of data subjects

The following categories of data subjects are identified:

- Any natural person who submits a request for access to documents, whether acting on behalf of a legal person or not;
- Any natural person whose identity appears on the requests for access to documents submitted by applicants or on the documents requested. This could include personal data about REA staff, staff of other EU institutions or personal data of any other individual (applicants, beneficiaries, contractors, external experts etc.).

### 1.8. Categories of personal data

- Personal data provided by the applicant:
  - surname, first name contact details (country of residence, postal and e-mail address) that are necessary to process the request. These data are mandatory for the purpose outlined above.
  - any other non-compulsory additional data such as occupation, telephone, etc...) Additional personal data provided by the applicant will be disregarded
- In case of reasonable doubts about the identity of the natural person making the request to access documents, the Agency may ask the applicant to provide a copy of an identification document (for example, a passport or identity card) in order to verify his/her identity and his/her country of residence. The identification document should contain the applicant's name and, if applicable, his/her postal address, while any other data such as a photograph or any personal characteristics may be blacked out. This identification document will be immediately deleted after its verification. Personal data contained in the documents requested under Regulation (EC) No 1049/2001, as well as contained in the reply to the request and in related correspondence with the applicant or third parties.

### 1.9. Retention time (time limit for keeping the personal data)

The personal data collected and related to this processing will be kept for a maximum period of 5 years after closure of the case/file<sup>6</sup>, by analogy to the principles and the retention

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<sup>3</sup> Consolidated version of the Treaty on the Functioning of the European Union, OJ C 326, 26.10.2012, p. 47–390, [http://data.europa.eu/eli/treaty/tfeu\\_2008/art\\_15/oj](http://data.europa.eu/eli/treaty/tfeu_2008/art_15/oj)

<sup>4</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43–48 <https://eur-lex.europa.eu/eli/reg/2001/1049/oj>

<sup>5</sup> REA Steering Committee Decision (REA/SC(2008)4 rev.1), Decision of the Steering Committee of the research executive agency on the implementation of regulation (ec) n° 1049/2001 of the European Parliament and the Council regarding public access to documents, [https://ec.europa.eu/info/sites/default/files/rules-for-document-access\\_rea\\_2008\\_en.pdf](https://ec.europa.eu/info/sites/default/files/rules-for-document-access_rea_2008_en.pdf)

<sup>6</sup> The start date is the closure of a case-file. There are different situations where a case-file is considered closed: At the initial stage, a file is considered closed after the initial decision of the Agency has become final (i.e. there was no confirmatory application), unless follow-up is required by an enquiry of the European Ombudsman. In such case, a file is considered closed if the European Ombudsman has closed its enquiry in relation to the complaint without any need for further action on the part of the Agency with regard to the application for access to documents. At the confirmatory stage, a file is considered closed after the confirmatory decision of the

periods established by the European Commission policy on the retention of the document, indicated in section 9.6.1 of Annex 1 "Common Commission-Level Retention List for European Commission Files - Second Revision"<sup>7</sup>.

Is any further processing for historical, statistical or scientific purposes envisaged? **Yes**

The purpose(s) for further processing is either archiving in the public interest or statistical purposes.

If yes, indicate the further retention time: as long as or if REA is under a legal obligation to do so, for archiving in the public interest or statistical purposes.

#### 1.10. Recipients of the data

- The Director of the Agency, competent Head of Department, Head of Unit, Head of Sector, team leaders, legal advisors, data protection officer and authorised staff of the Access to Documents team of the Agency, and any other staff to involve in the provision of the reply.
- Authorised staff of the Commission responsible for the handling of requests, when this involves several departments and services, or when consulted by the Access to Documents team of the Agency.
- Outside the Agency: AsktheEU<sup>8</sup>, if the request originates from this platform.

In addition, data may be disclosed to public authorities<sup>9</sup>, which are not regarded as recipient in accordance with Union and Member State law. The processing of those data by those

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Agency has become final, namely: - the deadline for bringing proceedings before the EU Court has elapsed; or - the EU Court confirmed the confirmatory decision; or, - the Agency completed the follow-up requested by the EU Court in its Judgment. A file is not considered closed despite the confirmatory decision being final in case of an enquiry of the European Ombudsman requiring follow-up. In such case, a file is considered closed if the latter has closed its enquiry in relation to the complaint without any need for further action on the part of the Commission with regard to the application for access to documents.

<sup>7</sup> [SEC\(2019\) 900/2 – ARES\(2019\)4374520 – 09 July 2019](#)

<sup>8</sup> AsktheEU.org website is a private third-party website which has no link with any institution of the European Union. Therefore, REA cannot be held accountable for any technical issues or problems linked to the use of this system and in particular is not responsible for their privacy policy and handling of personal data. The private third party running the AsktheEU.org website is the solely responsible and accountable for the processing of the applicants' personal data via that website, and not REA. For further information on your rights, please refer to the third party's privacy policy. As third party running that website, it usually publishes the content of applicants' correspondence with the European Commission or REA on that website. This includes the personal data that you may have communicated to the European Commission or REA (e.g. your private postal address). Similarly, the third party publishes on that website any reply that REA will send to the email address of the applicants generated by the AsktheEU.org website.

<sup>9</sup> **The European Court of Justice or a national judge as well as the lawyers and the agents of the parties** in case of a legal procedure; **The Investigation and Disciplinary Office of the Commission (IDOC)** in line with Commission Decision of 12 June 2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings - C(2019)4231 and Commission Decision (EU) 2019/165 of 1 February 2019 Internal rules concerning the provision of information to data subjects and the restriction of certain of their data protection rights in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings; **The competent Appointing Authority** in case of a request or a complaint lodged under Articles 90 of the Staff Regulations; **European Anti-Fraud Office (OLAF)** in case of an investigation conducted in application of Regulation (EU, Euratom) No 883/2013; the **Internal Audit Service** of the Commission within the scope of the tasks entrusted by article 118 of the Financial Regulation and by article 49 of the Regulation (EC) No 1653/2004; the **European Court of Auditors** within the tasks entrusted to it by Article 287 of the Treaty on the Functioning of the European Union of the EC Treaty and Article 20, paragraph 5 of Regulation (EC) No 58/2003; the **European Ombudsman** within the scope of the tasks entrusted to it by Article 228 of the Treaty on the Functioning of the European Union; the **European Data Protection Supervisor** in accordance with Article 58 of the Regulation (EC) 2018/1725; the **European Public Prosecutor's Office**

public authorities shall comply with the applicable data protection rules according to the purpose of the processing.

#### **1.11. Transfers of personal data to third countries or international organisations**

Pursuant to Article 2(2) of Regulation (EC) No 1049/2001 and Article 2(2) of the Decision of the REA Steering Committee (2008)4, rev.1 on the implementation of the Regulation (EC) No 1049/2001, the Agency may, subject to the same principles, conditions and limits, grant access to documents to any natural or legal person not residing or not having its registered office in a Member State.

In case a transfer will be necessary, personal data may be transferred to third countries or international organisations in compliance with Chapter V of the Regulation (EU) 2018/1725.

#### **1.12. High-level description of security measures**

Access to the computer system and data stored electronically only possible by username and password. Restricted access: only staff members from the Agency working with Access to Document files have access to the corresponding folders stored on REA shared drive.

Access to the servers is restricted. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

#### **1.13. Data Protection Notice**

A Data Protection Notice (DPN) relevant to this data processing is available in the [REA public register of records](#) and it is transmitted by the data controller to the data subjects, where applicable. The data subjects are informed about their rights and how to exercise them in the form therein.

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within the scope of Article 4 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office.