



## RECORD OF PERSONAL DATA PROCESSING ACTIVITY

*In accordance with Article 31 of the Regulation (EU) 2018/1725<sup>1</sup> 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 ('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.*

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### Handling of European Ombudsman inquiries and complaints

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

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

#### IDENTIFICATION OF THE DATA CONTROLLER

The 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 295/39 of 21.11.2018).

## **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 the data controller has been entrusted by the Director and is exercised by the Head of Unit D.1 “Planning, Knowledge and Compliance” (the delegated controller). The delegated controller may be contacted via functional mailbox: [REA-OMBUDSMAN@ec.europa.eu](mailto:REA-OMBUDSMAN@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)**

A Joint Controllership Arrangement (JCA) with regard to the handling of personal data in the framework of the follow-up of European Ombudsman enquiries was signed between the Secretariat-General, acting on behalf of the services of the European Commission and the REA, ref. Ares(2021) 5396089. The JCA entered into force on the 01/09/2021<sup>2</sup>.

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

### **1.5. Description and purpose of the processing**

In the context of its activities, the Legal Affairs sector of the Agency processes personal data when handling inquiries from the European Ombudsman. These inquiries either i) follow complaints submitted to the European Ombudsman, or ii) result from the European Ombudsman’s own initiative, or iii) follow a request from national or regional ombudsmen.

Inquiries from the European Ombudsman are related to investigations in possible cases of maladministration. Upon reception of a complaint, the Ombudsman determines its admissibility, and subsequently decides whether there are sufficient grounds to justify making an inquiry into an admissible complaint.

When launching an inquiry, the Ombudsman addresses his/her inquiries or requests to the President of the Commission, whereas the Commission's reply is sent by the Member of the Commission in charge of the matter in question and empowered to do so in the name and under the responsibility of the College. The Secretariat-General assigns the inquiry to the service(s) concerned. The Legal Service, the Secretariat-General, and the Budget DG – if the decision is likely to have budgetary consequences – are always regarded as associated services, whose agreement is required.

The lead service drafts a reply and consults the associated services and the Cabinet of the responsible Member of the Commission, as well as the associated Cabinets. The lead service is a Directorate-General (DG)/parent-DG, while REA is an associated service in this process. The final reply is then transmitted to the Ombudsman. The

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<sup>2</sup> [Final Arrangement Executive Agencies - OMB Enquiries.pdf \(europa.eu\)](#)

Secretariat-General follows the reply procedure and ensures political and administrative coherence.

In addition, when a complaint concerns minor issues, such as a lack of or insufficient replies by the institution, body or agency, the Ombudsman, via a simplified procedure, may ask the institution or body to reply directly to the complainant. The institution concerned sends a copy of the reply to the Ombudsman who consequently closes the inquiry as having been settled by the institution.

In this context, the Agency Director may delegate the handling of such activities to the Head of Unit in charge of Legal Affairs in the Agency to coordinate and follow-up the reply to the European Ombudsman as well as to the complainant and involved Commission services, if applicable.

The purpose of this processing activity is to handle, coordinate and follow-up complaints submitted to (or inquiries from) the European Ombudsman related to investigations in possible cases of maladministration received directly from the European Ombudsman or Commission services, to reply to the European Ombudsman, the complainant and involved Commission services, if applicable.

The personal data may be further processed for archiving and statistical purposes.

## **1.6. Legal basis for the processing**

The legal basis for the processing are based on:

- Article 5(1) of Regulation (EU) 2018/1725:

- (a) the 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>3</sup>;
- (b) the processing is necessary for compliance with a legal obligation to which the controller is subject<sup>4</sup>;
- (d) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;

- Regulation (EU, Euratom) 2021/1163 of the European Parliament of 24 June 2021 laying down the regulations and general conditions governing the performance of the Ombudsman's duties (Statute of the European Ombudsman) and repealing Decision 94/262/ECSC, EC, Euratom

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<sup>3</sup> 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, and;

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;

<sup>4</sup> Articles 20, 24 and 228 of the Treaty on the Functioning of the European Union (TFUE); Article 43 of the Charter of Fundamental Rights of the European Union; Decision of the European Parliament of 9 March 1994 on the regulation and the general conditions governing the performance of the Ombudsman's duties adopted by the Parliament on 9 March 1994 (OJ L 113/15 of 4.5.1994) and amended by its decisions of 14 March 2002 (OJ L 92/2 of 9.4.2002) and 18 June 2008 (OJ L 189/25 of 17.7.2008); The Ombudsman has adopted provisions implementing that decision and the European Code of Good Administrative Behaviour.

### **1.7. Categories of data subjects**

Any individual who refers to or is concerned by a complaint or inquiry to the European Ombudsman for alleged instances of maladministration.

### **1.8. Categories of personal data**

- Identification and contact data, various personal data communicated by the complainant in the complaint or inquiry to the European Ombudsman in the context of an investigation.
- Identification and contact data of Agency or Commission staff involved in the handling of the complaint or inquiry.
- Any other personal data spontaneously provided by the complainant in his/her complaint, which may include personal data of individuals other than the complainant, or
- Personal data held by the Agency relating to the subject matter of the complaint or inquiry.
- Sensitive personal data in the sense of Article 10 of Regulation 2018/1725 may be contained in the complaint or the underlying documents.

The above-mentioned personal data are mandatory for the purpose outline above. Any additional personal data provided and not relevant for the processing will be disregarded.

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

The personal data concerned will be kept for a maximum period of 5 years after closure of the file, by analogy to the principles and the retention periods established by the European Commission policy on the retention of the document, indicated in section 2.4.14 of Annex 1 "Common Commission-Level Retention List for European Commission Files - Second Revision"<sup>5</sup>. A file is considered closed if the European Ombudsman has closed its enquiry in relation to the complaint without any need for further action.

### **1.10. Recipients of the data**

- The Director of the Agency, the competent Head of Department, Head of Unit, Head of Sector, team leader, legal/financial/administrative advisor, Data Protection Officer of the Agency.
- Authorised staff of the Agency responsible for the handling of the European Ombudsman inquiry.
- The European Ombudsman and its competent staff.
- The Commission services and its competent staff, notably the lead-DG, concerned parent-DG, the Secretariat General, the Legal Service and, in any case with a financial impact, DG Budget, as well as any other DG concerned.

If appropriate, access will also be given to:

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<sup>5</sup> SEC (2019) 900/2 -ARES(2019)4374520 –09/07/2019

- the European Commission's Internal Audit Service (IAS);
- the European Court of Justice (ECJ);
- the Anti-Fraud Office of the European Commission (OLAF);
- the European Public Prosecutor's Office (EPPO);
- the European Court of Auditors (ECA);
- the European Data Protection Supervisor (EDPS);
- Competent national authorities.

#### **1.11. Transfers of personal data to third countries or international organisations: N/A**

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

The collection and processing of personal data is carried out with the required confidentiality for handling this type of inquiries in the EU institutions. The personal data is stored on central servers of the European Commission or the Agency. Access rights to personal data are provided only to authorised Agency staff on a need to know basis via password protected computers by means of a secure Web interface using Commission's standard IT resources and telecommunications infrastructure subject to the Commission's security decision. Paper documents are kept in locked cupboards.

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

Data subjects are informed on the processing of their personal data via a Data Protection Notice on their rights, available in the REA public central register of records under the public webpage [REA Privacy Policy](#) and transmitted to them by the data controller, where applicable.

Any queries concerning the processing of personal data have to be addressed to the Data Controller indicated above in 1.1 at [REA-OMBUDSMAN@ec.europa.eu](mailto:REA-OMBUDSMAN@ec.europa.eu)

Requests from a data subject to exercise a right will be dealt within one month, renewable if required, pursuant to Article 14(3) of Regulation (EU) 2018/1725.

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](#) in accordance with Article 25 of Regulation (EU) 2018/1725.