



## **Data Protection Notice**

### **Requests within the meaning of the articles 90 (1) and 24 of the Staff Regulations (SR) and complaints within the meaning of the article 90(2) of the Staff Regulations in the REA**

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 data (Regulation), the Research Executive Agency (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 Unit "Administration" of the Agency REA.C.1 defines, coordinates and ensures the implementation of human resources policies (covering the request within the meaning of Article 90 (1) of the Staff Regulations, the request for assistance within the meaning of Article 24 of the Staff Regulations as well as the complaints within the meaning of Article 90 (2) of the Staff Regulations). It does so by following the relevant provisions of the Staff Regulations of Officials of the European Union of 1 January 2014.

The purpose of the processing operations within the meaning of the articles 90 (1) and 24 of the Staff Regulations is to secure a decision to be taken by the Authority Authorised to Conclude Contracts (hereafter referred to as "AACC") based on a request by a staff member.

The purpose of the processing operations within the meaning of the Article 90(2) of the Staff Regulations is to secure a decision to be taken by the AACC on a complaint by a staff member against an act affecting him/her adversely.

#### **2. WHO IS RESPONSIBLE FOR THIS PROCESS?**

The controller is the Research Executive Agency (REA). For organisational reasons, the role of the data controller is exercised by Mr Marc TACHELET (REA Director). The controller may be contacted via email: [Marc.TACHELET@ec.europa.eu](mailto:Marc.TACHELET@ec.europa.eu). Unit REA.C.1 ("Administration") and Sector REA.C0.1 ("Legal Affairs, Internal Control and Reporting") are also entrusted with the collecting and/or processing of personal data.

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

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 (Article 5(1)(a) of Regulation) and for compliance with a legal obligation to which the controller is subject (Article 5(1)(b) of Regulation), as established by the following legal acts:

- 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: Article 11 paragraph 6 and Article 18 paragraphs 1 and 3.
- The Commission Implementing Decision 2013/778/EU of December 13th, 2013, establishing the Research Executive Agency and repealing Decision 2008/46/EC.
- The Commission Decision C(2013) 9418 final of 20.12.2013 on delegating powers to the Research Executive Agency with a view to performance of tasks linked to the implementation of Union programmes in the field of research and innovation comprising, in particular, implementation of appropriations entered in the general budget of the Union.

#### **4. WHICH PERSONAL DATA ARE COLLECTED?**

Depending on the type of the request and/or the complaint, certain categories of data might be processed by the Agency.

The categories of data that may be collected and/or processed are the following:

- a) Identification/Administrative data: surname at birth, current surname, forename, date of birth, town/city of birth, country of birth, sex, nationality, other nationality;
- b) Data in the form of personal identification numbers: Personnel number, pension number;
- c) Data concerning the data subject's career: Assignment, grade, department, unit, sector, category of staff, grade, step, duration of the contract, documents relating to the works of the selection committee;
- d) Data concerning the data subject's contacts details: Office address, private address (if required), street, postcode, place, country, e-mail address, telephone no., mobile telephone;
- e) Data concerning the data subject's request and/or complaint: brief purpose/subject, decision challenged (only in the case of a complaint), REA registration number;
- f) Data which are contained in the data subject's personal file;
- g) Data concerning data subject's private sphere (external activities, etc.);
- h) Data concerning pay, allowances and bank accounts of data subject;
- i) Data concerning the data subject's family;
- j) Data concerning missions and journeys of the data subject;
- k) Data concerning social security and pensions of the data subject;
- l) Data concerning expenses of the data subject;
- m) Data presenting specific risks:
  - Data relating to behaviour of REA staff or former REA staff;
  - Data relating to legal qualification of the above mentioned behaviour having regard to the Staff Regulations (SR) and other obligations which the persons concerned should comply with;
- n) Special categories of personal data:
  - Data relating to suspected offences, offences, criminal convictions or security measures;
  - Health related data of the data subject.

The presence of such data is neither systematic nor necessary in every case and depends on the type of the request and/or complaint. Depending on the nature of the request and/or complaint, the processing may be authorised in accordance with Regulation (EC) N°2018/1725.

#### **5. WHO WILL HAVE ACCESS TO YOUR PERSONAL DATA?**

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

- The Director of the Agency in his capacity of Authority Authorised to Conclude Contracts (AACC);
- The Head of Department REA.C 'Administration, Finance and Support Services' and Head of Unit REA.C.1 Administration;
- Authorised personnel of the REA.C.1.001;
- Authorised personnel of the REA.C.01 'Legal Affairs, Internal Control and Reporting'

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

- European Ombudsman;

- European Commission;
- The Court of Justice of the European Union;
- European Court of Auditors (ECA);
- European Data Protection Supervisor (EDPS);
- European Anti-Fraud Office (OLAF);
- DG Human Resources and Security (HR);
- Payments Master Office (PMO);
- Investigation and Disciplinary Office of the Commission (IDOC).

This transmission is restricted to the information necessary for the legitimate performance of tasks within the competence of the recipient. The recipients of the data are reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.

If the transfer entails a change of purpose, it is expressly provided for in law and the data subject is informed of it.

## **6. HOW LONG DO WE KEEP YOUR PERSONAL DATA?**

Data (in electronic and in paper format) relating to requests and/or complaints within the meaning of the articles 24 and 90 (1) and (2) of the SR will be kept for 15 years as from the submission of the request/complaint according to the Common Commission-Level Retention List for European Commission Files (SEC (2019)900) adopted by the Commission on 15/04/2019 (Annex 1, p.21, point 12.3.11) and applied by analogy by REA.

Complaints receiving a negative response in respect of which the person concerned submits an appeal to the General Court (and in some cases, later on, the Court of Justice) remain open until the Commission has complied with the Court's judgment.

## **7. WHAT ARE YOUR RIGHTS?**

Data subjects may have access to their personal data and may exercise their right of access at any time during the processing operation by sending an email to: [Marc.TACHELET@ec.europa.eu](mailto:Marc.TACHELET@ec.europa.eu).

However, their rights of rectification / erasure / restriction / data portability / objection (where applicable) concerning data related to the content of their complaint and/or request may be exercised before the AACC's decision has been notified to the complainant/requestor by sending an email to: [Marc.TACHELET@ec.europa.eu](mailto:Marc.TACHELET@ec.europa.eu). The exercise of those rights after the notification of the AACC's decision to the complainant/requestor would jeopardise the legal certainty of the decision.

All administrative data which does not directly or indirectly affect the content of the AACC's decision responding to the complaint and/or request may be rectified at any time during the processing operation.

Finally, the data subject has the right to withdraw his/her request or complaint at any time (during the deadline of 4 months attributed to the administration, but not once the AACC's decision has been notified to the complainant/requestor) by contacting [Marc.TACHELET@ec.europa.eu](mailto:Marc.TACHELET@ec.europa.eu).

## **8. 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: [Marc.TACHELET@ec.europa.eu](mailto:Marc.TACHELET@ec.europa.eu).

Further to the above, the following instances can be addressed:

REA Data Protection Officer (DPO): [REA-DATA-PROTECTION-OFFICER@ec.europa.eu](mailto: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](mailto:EDPS@edps.europa.eu).