



EUROPEAN RESEARCH EXECUTIVE AGENCY (REA)

Department D  
REA.D.1.003 – Legal Affairs

## Data Protection Notice

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

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<sup>1</sup> ('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?

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.

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

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 to the delegated controller and 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)

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

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 and, in particular:

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<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).

<sup>2</sup> The legal bases 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, 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.

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

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

Personal data provided by the applicant:

- surname, first name contact details (country of residence, postal an 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.

#### **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, 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 Agency responsible for the handling of the requests, when this involves several departments and services, or when consulted by the Access to Documents team of the Agency.

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

- Authorised staff of the European Commission responsible for the handling of the requests, when this involves several departments and services, or when consulted by the Access to Documents team of the Agency, in case the request involves multiple services and departments.
- AsktheEU<sup>6</sup>, if the request originates from this platform.

<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> 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> 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

In addition, data may be disclosed to public authorities, which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law and shall not be regarded as recipient (such as the European Court of Justice, the European Office for the fight against fraud (OLAF), the European Public Prosecutor's Office, 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.

Additionally, REA will not transfer your personal data to third countries (outside EU/EEA) or international organisations. The Agency may reply to an applicant requesting access to documents under Regulation (EC) No 1049/2001 residing in any country outside the EU. Apart from the applicant's own personal data, the Agency only discloses personal data to an applicant residing outside the EU if the conditions for a transfer of personal data to a third country or an international organisation under Chapter V of Regulation (EU) 2018/1725 are met. A case by case will be necessary to determine the legal basis of the transfer and if a derogation applies.

## **6. HOW LONG DO WE KEEP YOUR 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 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 9.6.1 of Annex 1 "Common Commission-Level Retention List for European Commission Files - Second Revision"<sup>7</sup>.

## **7. 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-ACCESS-DOCUMENTS@ec.europa.eu](mailto:REA-ACCESS-DOCUMENTS@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](#) in accordance with Article 25 of Regulation (EU) 2018/1725.

## **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: [REA-ACCESS-DOCUMENTS@ec.europa.eu](mailto:REA-ACCESS-DOCUMENTS@ec.europa.eu)

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

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).

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