



EUROPEAN RESEARCH EXECUTIVE AGENCY

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 data¹ ('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: 46
 Created on (date): October 2021
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NAME OF THE PROCESSING ACTIVITY

Data protection officer (DPO) processing activities

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)

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, 21.11.2018, p. 39–98

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 or 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

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

REA-DATA-PROTECTION-OFFICER@ec.europa.eu

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

Not applicable

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

Not applicable

1.5. Purpose of the processing

The purpose of the processing is to allow. Data Protection Officer/Deputy Data Protection Officer 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.

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

1.6. Legal basis for the processing

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;

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

1.7. Categories of data subjects

Data subjects are any person from the Agency or outside the Agency.

The Data Protection Officer/Deputy Data Protection Officer (“DPO”) collects and further processes the personal data of Agency staff and any individual outside the Agency (staff of other institutions, agencies, bodies, offices contractors, processors, applicants, grant beneficiaries, citizens etc...), who:

- exercise their rights as data subjects under the Regulation,
- bring to the attention of the DPO any matter alleging that a breach of the Regulation has taken place (e.g. suspicions of data breaches);
- request that the DPO monitor, investigate or audit a specific processing operation of the Agency;
- consult the DPO on any matter concerning the interpretation of the Regulation;

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 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.

- complain to the European Data Protection Supervisor (EDPS) pursuant to the Regulation and whose complaints and personal data are transmitted to the DPO;
- are concerned by a specific monitoring, investigative, auditing or consultative activity of the DPO;
- inform the DPO of a personal data breach, and/or are involved in managing a personal data breach.

1.8. Categories of personal data

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.);
- 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, EC departments and services where they consult the DPO or request that s/he carries out monitoring, investigations or audits; or
- from the EDPS in relation to the complaints transmitted or inspections launched by EDPS.

The DPO does not collect 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.

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

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

The personal data collected (electronic and paper format) and related to this processing will be kept for a maximum period of 5 years after closure of the file. 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 Files⁴.

The following types of data are kept for a period of 5 years:

- 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;

⁴ SEC (2019) 900/2 -ARES(2019)4374520 –09/07/2019 - https://ec.europa.eu/info/sites/info/files/sec-2019-900_en.pdf

- 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

1.10. Recipients of the data

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 proceedings, etc., REA Internal Control Sector, Legal Sector, and any 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, audit or inspections.

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, these personal data may be disclosed and transmitted to public authorities, which may receive those data 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 and Member State law.

- 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 competent Appointing Authority in case of a request or a complaint lodged under Articles 90 of the Staff Regulations;
- The European Anti-Fraud Office (OLAF) in case of an investigation conducted in application of Regulation (EC) No 1073/1999;
- 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;
- 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 protections rights in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings;
- The 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 Public Prosecutor’s Office 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.

The processing of those data by those public authorities shall be in compliance 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

Not applicable

1.12. High-level description of security measures

Personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored on the servers of the European Commission and of the Agency. All processing operations are carried out pursuant to the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.

In order to protect personal data, the Agency has put in place a number of technical and organisational measures.

Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed.

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.

All files are stored electronically in the protected files of the Agency shared drives, computer and network drives, with restricted access on a need to know basis. Some of those documents are also registered and stored in ARES (access to those documents is restricted via authentication and limited markings). No paper documents containing personal data are received and processed by the DPO.

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 can be addressed to the Data Controller indicated above in 1.1.

Requests from a data subject to exercise a right will be dealt within one month that may be extended by a month, 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) 2018/1725⁵.

⁵ 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 (*OJL 198, 4.6.2021, p. 5–14*)