



EUROPEAN RESEARCH EXECUTIVE AGENCY

Department D
Legal Affairs sector

RECORD OF PERSONAL DATA PROCESSING ACTIVITY

In accordance with Article 31 of the Regulation (EU) 2018/1725¹ 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.

Record No: 58
Created on (date): 8/11/2021
Last update (date): 17/12/2021

NAME OF THE PROCESSING ACTIVITY

Legal proceedings

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)

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 295/39 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-LEGAL@ec.europa.eu

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

REA DPO (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 and description of the processing

The Legal Affairs sector in REA D.1 processes personal data when dealing with legal proceedings where REA is party/intervener before jurisdictions, such as the Court of Justice of the European Union and national courts, for instance in criminal cases as a civil party or in contractual litigations or in enforcement proceedings aiming at recovering EU claims against debtors.

The personal data may be further processed for procedures before the European Court of Auditors, 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 body²;
- (b) the processing is necessary for compliance with a legal obligation to which the controller is subject;
- (c) the 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.

² 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;

1.7. Categories of data subjects

Data subjects are:

- Internal to the organisation: staff of REA
- External to the organization:
 - o Parties/intervenors in the legal proceedings
 - o External lawyers assisting/representing REA in the litigations before the EU or national jurisdictions

1.8. Categories of personal data

All categories of personal data may be processed within the context of legal proceedings, including special categories of data allowed pursuant to Article 10(2) of the Regulation.

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

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, by analogy to the principles and the retention periods established by the European Commission policy on the retention of the document, indicated in section 11, Legal Proceedings of Annex 1 “Common Commission-Level Retention List for European Commission Files - Second Revision”³ A file is considered closed when the outcome of the legal proceeding has become final (not more subject to appeal before any jurisdictions).

1.10. Recipients of the data

- Staff of REA involved in the handling of the legal proceedings
- The Commission services that may need to be consulted on litigation cases, notably the parent-DGs involved, the Secretariat General, the Legal Service and if necessary any other DG or Agencies involved in the file concerned by the legal proceeding
- External lawyers assisting/representing REA in the litigations
- Jurisdictions concerned by the legal proceedings and other competent national authorities
- Parties/intervenors in the legal proceedings

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

Personal data will not be transferred to third countries or international organisations, unless the proceeding is under the jurisdiction of a national court outside the European Union/EEA. In such a case, the personal data shall be transferred in compliance with Chapter V of the Regulation.

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 legal proceedings 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

³ SEC (2019) 900/2 -ARES(2019)4374520 –09/07/2019

Commission's standard IT resources and telecommunications infrastructure subject to the Commission's security decision. Paper documents are kept in locked cupboards.

Submissions to the Court of Justice are done via the e-Curia application (system belonging to the Court of Justice of the European Union).

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-LEGAL@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.