



## **Data Protection Notice**

### **Ex-post audit process of 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 main objective of the ex-post audit is to verify:

- The compliance with the financial and contractual provisions of a grant agreement
- The legality and regularity of the transaction, underlying the implementation of the EU budget.

The processing operation of the ex-post audit does not mainly intend to:

- Process data relating to health and to suspected offenses, criminal convictions or security measures;
- Evaluate personal aspects relating to the data subject, including his ability, efficiency and conduct;
- Allow linkages not provided for pursuant to national or EU legislation between data processed for different purposes;
- Exclude individuals from a right, benefit or contract.

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

The controller is the Research Executive Agency (REA). For organisational reasons, the role of data controller is exercised by Mr Hubert COUSIN, Head of Unit REA.C.2 (FINANCE). The controller may be contacted via functional mailbox: [REA-EXTERNAL-AUDITS@ec.europa.eu](mailto:REA-EXTERNAL-AUDITS@ec.europa.eu).

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

The processing is necessary for the performance of tasks 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); the processing is necessary 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:

- Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012.

- The possibility for the REA and/or European Commission to carry out checks and financial controls is foreseen in the model grant agreement ([link](#)) signed between the REA or European Commission and the beneficiary as required by the Financial Regulation ("FR") (Articles 74.6 and 129):

Art. 74.6 FR: The authorising officer by delegation may put in place ex post controls to detect and correct errors and irregularities of operations after they have been authorised. Such controls may be organised on a sample basis according to risk and shall take account of the results of prior controls as well as cost-effectiveness and performance considerations. The ex post controls shall be carried out by staff other than those responsible for the ex ante controls. The staff responsible for the ex post controls shall not be subordinate to the members of staff responsible for the ex ante controls. The rules and modalities, including timeframes, for carrying out audits of the beneficiaries shall be clear, consistent and transparent, and shall be made available to the beneficiaries when signing the grant agreement

Art. 129.1 FR: 1. Any person or entity receiving Union funds shall fully cooperate in the protection of the financial interests of the Union and shall, as a condition for receiving the funds, grant the necessary rights and access required for the authorising officer responsible, for EPPO in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, for OLAF, for the Court of Auditors, and, where appropriate, for the relevant national authorities, to comprehensively exert their respective competences. In the case of OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, in accordance with Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council. Any person or entity receiving Union funds under direct and indirect management shall agree in writing to grant the necessary rights as referred to in paragraph 1 and shall ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

- The necessity of establishment of the organizational structure and the internal control systems (ex post controls) is also foreseen in the Charter of tasks and responsibilities of authorising officers by delegation. This charter is foreseen in Article 72 FR.
- Articles II.13 and II.21-22 of the FP7 Grant Agreement.
- Articles 22 and 39.1 of the H2020 Grant Agreement.

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

All necessary data to efficiently conduct a control and audit may be the following:

- Identification data such as first name, last name, function, grade, etc.
- Data concerning the data subjects' career such as activities, expertise, etc.
- Financial data such as invoices, payslips, working contracts, timesheets, salary, accounts, cost accounting, etc.
- Supporting documents substantiating the expenses of the project such as minutes of meetings/events, mission reports, etc.

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

Within the Agency, the following recipients will have access to the data:

REA staff in charge of ex-post control: Unit C2.004 (ex-post audit and anti-fraud sector), audit correspondents, management, relevant project and financial officers.

Other potential recipients are:

- Commission services in charge of ex post controls: Collected personal data could be submitted to Commission services in charge of ex-ante or ex-post controls.

- Outsourced audit firms.

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

Personal data (electronic and paper format) related to audits as a part of Management of grant agreements are kept for a period of 10 years after the final payment provided that no contentious issues (e.g. legal proceedings) take place, in which case, data will be kept until the end of the last possible legal procedure.

Is any further processing for historical, statistical or scientific purposes envisaged? **No**

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

Data subjects may have access to their personal data and may exercise their right of access / rectification / erasure / restriction / data portability / objection (where applicable) by sending an email to [REA-EXTERNAL-AUDITS@ec.europa.eu](mailto:REA-EXTERNAL-AUDITS@ec.europa.eu) functional mailbox.

Data transmitted by the Beneficiary for the purpose of an audit is an obligation set out in the Grant Agreement. The data remain under the ownership of the REA/Commission.

## **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-EXTERNAL-AUDITS@ec.europa.eu](mailto:REA-EXTERNAL-AUDITS@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).