



EUROPEAN COMMISSION

European Climate, Infrastructure and Environment Executive Agency

Data Protection Notice
for processing personal data from
grant management under the European Maritime and Fisheries Fund - EMFF - legacy
programme (outside [Funding & Tender Opportunities Portal](#))

In accordance with Regulation (EU) 2018/1725¹ of 23 October 2018 on data protection (hereinafter the Regulation), the European Climate, Infrastructure and Environment Executive Agency (hereafter CINEA) collects your personal data only to the extent necessary to fulfil the precise purpose related to its tasks.

1. The **controller** is CINEA:

- a. CINEA Unit D.3
Chaussée de Wavre 910
W910 03/011
BE – 1049 Brussels
- b. the Head of Unit D3
- c. Email: CINEA-EMFAF-CALLS@ec.europa.eu in the grant agreement preparation phase
or CINEA-EMFAF-CONTRACTS@ec.europa.eu once the grant agreement has been signed

2. The **purpose of the processing**

The purpose of the processing is to enable CINEA to ensure the administration of personal data gathered in the framework of the grant agreements management including payment and follow-up of European Maritime and Fisheries Fund - EMFF (2014-2020) legacy programme, for which the implementation is entrusted to the Agency. This concerns processing of personal data, which are necessary for CINEA for such a management and fall outside the scope of the Funding and tenders opportunities portal of the European Commission, which is covered under a [specific data protection notice](#).

3. The **data subjects** concerned by this notice are:

the natural persons, who are the legal representatives and/or the contact persons of the entities involved in the grant management processes (selected beneficiaries, coordinators, affiliated entities, subcontractors, etc.). Data subjects may also be the staff involved in the project and for whom personal data relating to expertise and technical skills are included in the project management. Under this programme, grants is not provided to natural persons but to legal entities.

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).

4. The **categories of personal data** collected and used for the processing operations are:

- Identification data: first name, last name;- Position/function- Date of birth, nationality, ID/Passport number (may be requested if meetings in the European Commission buildings are organised)
- Contact details: telephone, mobile, e-mail, fax, website; Street address, post code, country;
- Financial details relating to the legal representatives: VAT number (if applicable), Bank account details of the beneficiary, which may mention personal data such as the name of the bank representatives, etc.;
- Declaration on the honour that the legal representatives do not fall within exclusion criteria.
- Curriculum vitae of the beneficiary' staff involved in the project (relevant experience, employment history, education, academic background, training, personal skills, competences, languages, technical skills;
- Staff category, which may include hourly rate.

In addition, personal data, which is not mandatory to receive the grant but necessary for the purpose of the processing might be collected during the project implementation for example pictures, web streaming of events or videos but only with the consent of the data subject concerned.

5. The **recipients** of the data are on a "need to know" basis.

The recipients to whom of the personal data will or might be disclosed are:

- CINEA Services in charge of managing the projects (grant agreements, ..) funded under the EMFF programme and related activities such as for instance monitoring, processing of possible amendments or audits of EMFF project implementation (e.g.: project officers and managers, financial officers, legal officers, auditors officers in charge of audit, etc.),
- External expert evaluators bound by confidentiality clauses,
- Relevant staff of the EC services (e.g. parent DG MARE , etc.)
- CINEA & Commission staff as members of Ad hoc & Review Committees.

In case of reviews, proceedings, etc., personal data may be provided to CINEA's Internal Controller, DPO, Legal Sector, etc.

- In addition, data may be disclosed to public authorities such as for instance the below ones, which may not be regarded as recipient in accordance with Union and Member State law. 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:

- o Bodies in charge of a monitoring or an inspection task in application of Union law (e.g. internal audit, IAS, Court of Auditors, etc.);
- o 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;
- o OLAF in case of an investigation conducted in application of Regulation (EC) No 1073/1999;
- o 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;
- o The European Data Protection supervisor in accordance with Article 58 of the Regulation (EC) 2018/1725;
- o 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.

6. Data Subjects rights:

- You have the right at any time to access, rectify, erase ('right to be forgotten') your personal data;
- You are also entitled to object to the processing or request for the restriction of the processing.

You can exercise your rights by sending an email with the requested change(s) to the controller via the functional mailbox indicated here-above in Section 1.

In any case your data will be modified or removed accordingly and as soon as practicable. (maximum within 15 working days).

However, these rights can be restricted in line with Decision SC (2020) 26 of the INEA Steering Committee of 14 October 2020 on internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data and exercised only at certain points in time and under the conditions as provided for in the relevant procedures (e.g. before the submission deadline). This is to safeguard the rights of other data subjects and to respect the principles of equal treatment among applicants and the secrecy of deliberations.

Right of rectification may only apply to factual data and as long as this remains in line with the Financial Regulation.

In order to grant or not the data subjects rights, the Agency will carry out a case-by-case assessment of each individual request and give the reasons underlying its decision, considering the type of information held and whether any exceptions of the Internal Rules are applicable.

The restrictions will continue applying as long as the reasons justifying them remain applicable and may be lifted if these reasons would no longer apply, if the exercise of the restricted right would no longer negatively impact the applicable procedure or adversely affect the rights or freedoms of the data subjects.

7. How does CINEA protect and safeguard your data?

Access to your data is restricted on an individual need to know basis and through User-ID and password. Your data resides on the servers of the European Commission, which abide by strict security measures to protect the security and integrity of the relevant electronic assets (Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission). Access rights and controls are secured via the ECAS (European Commission Authentication Service) granted to persons authorised to get access to the relevant data (grant management, etc.).

Where applicable paper files are stored in locked cupboard and destroyed when no longer needed. Access to the building is subject to security clearance.

8. The legal basis of the processing are:

- Article 5.1. a) of the Regulation (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), due to the following legal grounds:

- Council Regulation 58/2003 of 19 December 2002, laying down the Statute for executive agencies to be entrusted with certain tasks in the management of EU programmes;

- Regulation (EC) n° 1653/2004 of 21 September 2004 on a standard Financial Regulation for the executive agencies pursuant to Council Regulation (EC) n°58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programme;

- 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;

- Commission Decision C(2021)947 of 12 February 2021 delegating powers to the European Climate, Infrastructure and Environment Executive Agency² with a view to the performance of tasks linked to the implementation of Union programmes in the field of transport and energy infrastructure; climate, energy and mobility research and innovation; environment, nature and biodiversity; transition to low-carbon technologies; and maritime and fisheries;

- Regulation 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, repealing Regulation No 966/2012;

- Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (EMFF programme).

➤ And Article 5(1) b) , c) and d) of the Regulation as follows:

- the processing is necessary for compliance with a legal obligation to which the controller is subject;
- the processing is necessary for the performance of a contract to which the data subject is party;
- the data subject has given consent to the processing of his or her personal data .

9. The **time limits for keeping** the data are the following:

In accordance with the 2019 Retention List of the Commission:

- For beneficiaries receiving EU funding, personal data is retained for a maximum of 10 years after the end of the EMFF programme (2014-2020),
- For unsuccessful applicants, personal data is retained for up to 5 years after the closure of the call for which the data have been collected or updated or after the end of the particular procedure to allow for all possible appeals .This applies also to data contained in previous outdated versions of proposals and in withdrawn proposals.

² with a view to the performance of tasks linked to the implementation of Union programmes in the field of transport and energy infrastructure; climate, energy and mobility research and innovation; environment, nature and biodiversity; transition to low-carbon technologies; and maritime and fisheries; comprising, in particular, implementation of appropriations entered in the general budget of the Union and those stemming from external assigned revenue

10. 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 email address mentioned here above in Section 1.

You may contact at any time the Data Protection Officer of the Agency (CINEA-DPO@ec.europa.eu). You have the right to have recourse at any time to the European Data Protection Supervisor (edps@edps.europa.eu).