



EUROPEAN COMMISSION

European Climate, Infrastructure and Environment Executive Agency

RECORD OF PERSONAL DATA PROCESSING ACTIVITY

In accordance with Article 31 of the [Data Protection Regulation for EUIs](#)¹ (hereinafter referred to as the Regulation), individuals whose personal data are processed by the European Climate, Infrastructure and Environment Executive Agency (hereinafter referred to as CINEA or 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: 2021-006/D3-PROG-5

Created on (date): 05/5/21

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NAME OF THE PROCESSING ACTIVITY

Grant management under the European Maritime and Fisheries Fund - EMFF legacy programme (outside [Funding & Tender Opportunities Portal](#))

GROUND FOR THE RECORD

- Regularisation 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 (update of EASME record R-2019-01 due to transfer to CINEA of the programme as of 1/4/2021).

¹ Regulation (EU) 2018/1725 of 23 October 2018

1. MANDATORY RECORD UNDER ARTICLE 31 OF THE REGULATION

1.1. Name and contact details of controller

The Head of Unit

Unit D.3 – Sustainable Blue Economy

*European Climate, Infrastructure and Environment Executive Agency -
CINEAW910 05/259*

B–1049 Brussels

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

1.2. Name and contact details of the Data Protection Officer (DPO)

CINEA DPO

CINEA-DPO@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 address personal data gathered by CINEA in the framework of the grant agreements management including payment and follow-up of European Maritime and Fisheries Fund - EMFF (2014-2020)², legacy programme managed outside the Funding and Tender Opportunities Portal in a paper or electronic formats on the Agency's drives.

The personal data collected by CINEA has the purpose of allowing the Agency to manage the grant agreements under the EMFF programme all along the project lifecycle, in particular:

- Grant management (possible amendments and audits).
- Communication with the beneficiaries, related to the implementation of awarded grants, follow-up activities of the events, including feedback collection and specific, related communication activities.
- Financial management including transactions in the Commission's accounting system and payment.
- Publication of project summaries.
- Statistics, reporting and information relating to management, monitoring, policy feedback, mid-term and final assessment of the EMFF programme and Agency client's (beneficiaries/contractors) satisfaction surveys and similar.

² [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).

- Security clearance for access to Agency and Commission building.

1.6. Legal basis for the processing

The lawfulness of the processing is based on **Article 5(1)** of the Regulation as follows :

- X **(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 body³;
(a2) the processing is necessary for the **management and functioning** of the Union Institutions or bodies (Recital (22) of Regulation 2018/1725) ;
- X **(b)** the processing is necessary for **compliance with a legal obligation** to which the controller is subject, which are publication of beneficiaries' data to comply with CINEAs obligation to publish information on the beneficiaries of funds deriving from the budget of the Union;
- X **(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;
- X **(d)** the data subject has given **consent for non-mandatory personal data** to the processing of his or her personal data for one or more specific purposes;
- (e)** the processing is necessary in order to protect the **vital interests** of the data subject or of another natural person.

The legal basis of the process are :

- 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 Agency 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

³ EASME Act of Establishment: Commission Implementing Decision C(2013/771/EU) of 17 December 2013 establishing the 'Executive Agency for Small and Medium-sized Enterprises' and repealing Decisions 2004/20/EC and 2007/372/EC and 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 (OJ L 149/1 of 20.5.2014) (EMFF programme).

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).

1.7. Categories of data subjects

Data subjects can be either citizens or residents of the European Union or third countries who are either:

1. 'Key personnel', i.e. responsible managers and other staff of the applicant or beneficiary participating in the action;
2. Legal representatives of applicants or beneficiaries;
3. Contact persons / coordinator of applicants or beneficiaries;
4. Staff of sub-contractors.

1.8. Categories of personal data

The following mandatory personal data are collected:

- Identification data: First name, last name;- Position/function- Date of birth, nationality, ID number, passport number (may be requested once meetings in the Commission buildings are organised);
- Contact details: telephone, mobile, e-mail, website, street address, post code, country, social medial handles or accounts;
- VAT number (if applicable); Bank account details of the Organisation (Legal Entity Form and Bank Account Form of the European Commission) which can only include the identification data of the legal representative;
- Declaration on the honour that the person does not fall within exclusion criteria;
- Curriculum vitae containing the following: the relevant experience, employment history, education, academic background, training, personal skills, competences, languages, technical skills;
- Staff category, which may include hourly rate.

Data is provided directly by the data subjects or the organisations they belong to. Agency staff members collecting these data are aware that only relevant and necessary data may be processed & unnecessary data will be deleted. The above mentioned personal data are **mandatory** for the purpose(s) outline above.

In addition, non-mandatory personal data 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.

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

a. Retention period:

In accordance with the 2019 Retention List of the Commission:

- The personal data for successful applicants will be kept for a maximum period of ten years after the end of the EMFF programme (2014-2020). The files of unsuccessful applicants are kept for five years 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.
- In relation to communication activities, website related data will be kept for 2 years and for events related data 5 years.

Data will be deleted at the end of this period.

b. Storage period: same period as above retention period

c. 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

All recipients 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 legacy programme and related activities such as for instance monitoring, processing of possible amendments or audits (e.g.: project officers and managers, financial officers, legal officers, auditors 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:

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

- 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.

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

Personal data will not be transferred to third countries or international organisations.

1.12. Description of security measures

The following technical and organisational security measures are in place to safeguard the processing of this personal data:

- ✓ use of secure equipment (e.g. locked cupboards and safes) and IT tools (including restricted files , secure connections, firewalls, etc.).
- ✓ Personal data is stored on password protected computers on files with restricted access on servers of the Controller/Commission and in locked cupboards.
- ✓ IT tools use of EU login protection (authentication etc) and access rights restrictions apply
- ✓ All servers used by the Agency/Commission abide by the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.
- ✓ Members of the Evaluation Committees, including external experts & observers have to sign a declaration of confidentiality and of absence of conflict of interests.
- ✓ Access to the building is subject to security clearance.

If applicable, paper files will be stored in a cupboard (locked) and access will be granted only to authorised staff on a need to know basis.

1.13. Data Protection Notice

A Data Protection Notice (DPN) relevant to this data processing activity is available on [CINEA website](#).