



## 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](#)<sup>1</sup> (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: 2020-025/A2-LEG-4  
Created on (date): 02/09/20  
Last update (date): 01/09/21

**NAME OF THE PROCESSING ACTIVITY**

Processing personal data during monitoring, investigative, auditing and consultative activities of the DPO (including follow-up/registering in case of data breaches)

**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 (e.g.: update of a record).

<sup>1</sup> Regulation (EU) 2018/1725 of 23 October 2018

## 1. MANDATORY RECORD UNDER ARTICLE 31 OF THE REGULATION<sup>2</sup>

### 1.1. Name and contact details of controller

- a. CINEA A2  
Chaussée de Wavre 910  
W910  
BE – 1049 Brussels
- b. Data Protection Officer
- c. Email: [CINEA-DPO@ec.europa.eu](mailto:CINEA-DPO@ec.europa.eu)

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

CINEA DPO

[CINEA-DPO@ec.europa.eu](mailto: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 allow the Data Protection Officer (DPO) to collect and further process personal data where strictly necessary to perform his/her tasks in line with the requirements of the Regulation (monitoring, investigative, auditing and consultative activities (including registering and advising on data breach cases, etc) .)

### 1.6. Legal basis for the processing

- 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
- Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, and repealing Implementing Decisions 2013/801/EU<sup>3</sup>;
- 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 and innovation; environment, nature and biodiversity; transition to low-carbon technologies; and maritime and fisheries;
- Decision SC (2021) 005 of the CINEA Steering Committee of 30 June 2021 laying down implementing rules concerning the Data Protection Officer

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<sup>2</sup> *This part of the record will be published on CINEA website and should be aligned with the information provided in the DP notice*

<sup>3</sup> OJ L 50, 15.2.2021, p. 9–28

## 1.7. Categories of data subjects

Data subjects are either internal or external to the organisation.

The Data Protection Officer collects and further processes the personal data of Agency staff and any natural persons outside the Agency (contractors, processors, applicants, grant beneficiaries, etc), who:

- exercise their rights under the Regulation,
- bring to the attention of the Data Protection Officer any matter alleging that a breach of the Regulation has taken place;
- request that the Data Protection Officer monitor, investigate or audit a specific processing operation of the Agency;
- consult the Data Protection Officer on any matter concerning the interpretation of the Regulation;
- complain to the European Data Protection Supervisor pursuant to the Regulation and whose complaints and personal data are transmitted to the Data Protection Officer;
- are concerned by a specific monitoring, investigative, auditing or consultative activity of the Data Protection Officer;
- are Data Protection Contact Points of CINEA departments/unit;
- inform the Data Protection Officer 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 Data Protection Officer to perform his/her monitoring, investigative, auditing or consultative activities.

These personal data may be:

- 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 of applicants (where relevant);
- Case involvement data (ref no, etc) ;
- Any other types of personal data specific to the processing operation that the Data Protection Officer monitors, investigates, audits or is being consulted upon (complaint, registration of data breaches, etc).

The Data Protection Officer obtains personal data:

- directly from the data subjects where they exercise their rights under the Regulation (consult the Data Protection Officer or request that s/he carry out monitoring, investigations or audits, etc);
- from the European Data Protection Supervisor in relation to the complaints transmitted or inspections launched by the European Data Protection Supervisor.

The Data Protection Officer does not collect per se 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 Data Protection Officer for the purpose of his /her monitoring, investigative, auditing or consultative activities.

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

a) Retention period:

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

CINEA applies the principles and retention periods indicated in Common Retention List of the Commission<sup>4</sup> by analogy.

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;
- Complaints about maladministration & infringements of data protection rules.

b) Storage period:

The storage periods are the same as indicated for the retention period in point 1.9 a).

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**

- 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 A 2 , etc.)
- In case of audits or proceedings, etc., CINEA’s Internal Controller, Legal Sector, Staff Committee, etc
- The European Data Protection Supervisor for process involving them.
- Any individuals, whose personal data are processed by the Agency as controller or its processors and potentially be affected by a personal data breach.

In addition, data may be disclosed to public authorities, which are not 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:

- 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;

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<sup>4</sup> SEC (2019) 900/2 - ARES(2019)4374520 – 09/07/2019

- 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.

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

Not applicable

#### **1.12. 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. 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 Data Protection Officer (on 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). Documents, which the Data Protection Officer receives in paper format, are stored in locked cupboards of the DPO's Office.

#### **1.13. Data Protection Notice**

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