



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: 2022-004/A2-LEG-02
 Created on (date): 11/11/2020
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NAME OF THE PROCESSING ACTIVITY

Follow-up by the Agency of European Ombudsman inquiries

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).

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

- a. CINEA A2 Legal Affairs, External audits and Administrative Finance
Chaussée de Wavre 910
W910 04/136
BE – 1049 Brussels
- b. Head of Unit A2
- c. Email: CINEA-OMBUDSMAN@ec.europa.eu

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)

Secretariat-General (SG) Unit C2 : The European Commission (EC) and the Executive Agencies have signed a joint controllership agreement (Ref. Ares(2021)5396089-1/09/2021) setting out the allocation of respective responsibilities and practical arrangements.

The main responsibilities of each of the controllers, and the essence of the Joint controllership arrangements

Under the arrangement, each Party shall ensure and is responsible, with regard to the personal data processed by it in the framework of processing operations that it manages under its own responsibility or on behalf of other Parties as part of its coordinating responsibilities, for ensuring compliance with Regulation 2018/1725.

In addition to this general responsibility, the Commission is specifically responsible for: processing of personal data during consultations of the executive agencies and of the relevant Commission services launched by it, and during the process of obtaining the agreement of the responsible Commissioner, where applicable; acting as the controller when it comes to security or design issues related to the development or operation of the Commission's and executive agencies' joint database for the handling of European Ombudsman enquiries, including the underlying information technology system. This includes: the appropriate handling of related data subject requests; ensuring the handling of related personal data breaches.

In addition to the general and shared responsibility referred to above, the Agency is responsible for: the processing of personal data when sending correspondence emanating from the European Ombudsman and its services to the relevant parent Directorate-General and other Commission services; and the processing of personal data when replying to or communicating with the European Ombudsman and its services.

1.4. Name and contact details of processor (where applicable)

Not applicable

1.5. Purpose of the processing

This process relates to inquiries transmitted to the Agency by the European Ombudsman or his/her office in the framework of its investigations into possible cases of maladministration.

1.6. Legal basis for the processing

The legal basis for the processing based on Article 5(1) of the Regulation:

- 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 Agency;
- b) the processing is necessary for compliance with a legal obligation to which the controller is subject:
 - i) 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 programmes²;
 - ii) 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/EU³;
 - iii) 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;
 - iv) Communication of the Commission on Guidelines for the establishment and operation of executive agencies financed by the general budget of the European Communities (SEC(2006) 662 of 31 May 2006);
 - v) Articles 20, 24 and 228 of the Treaty on the Functioning of the European Union (TFEU);
 - vi) Regulation (EU, Euratom) 2021/1163 of the European Parliament of 24 June 2021 laying down the regulations and general conditions governing the performance of the Ombudsman's duties (Statute of the European Ombudsman) and repealing Decision 94/262/ECSC, EC, Euratom⁴.

The processing operation concerning any 'special categories of data' which fall under Article 10(1) of the Regulation shall be prohibited unless any of the reasons under Article 10(2) of the Regulation applies.

1.7. Categories of data subjects

Internal to the organisation:

- Agency staff who have submitted inquiries to the European Ombudsman regarding alleged instances of maladministration, which the European Ombudsman has transferred to the Agency for an opinion, further information or possible follow-up;
- Agency staff authorised to handle inquiries received from the European Ombudsman;

² OJ L 11 of 16.01.2003, p. 1

³ OJ L 50, 15.2.2021, p. 9–28

⁴ OJ L 253, 16.7.2021, p. 1–10

External to the organisation

- Citizens who have submitted inquiries to the European Ombudsman regarding alleged instances of maladministration, which the European Ombudsman has transferred to the Agency for an opinion, further information or possible follow-up;
- Citizens whose name and/or other personal data are mentioned in the corresponding correspondence with the European Ombudsman, including possibly the personal data of individuals other than the complainant that the latter spontaneously provided in his/her inquiry;
- European Ombudsman staff involved in handling the inquiry, staff of EC or other EU Agencies, if they are involved in the inquiry.

1.8. Categories of personal data:

- Names and contact details of the data subjects involved, Agency and EC Staff involved in the inquiry. Any other personal data which is relevant and necessary for the inquiry processing;
- In the framework of this processing activity, the Agency may process several categories of personal data, particularly identification data, professional data and case involvement data
- Any other personal data spontaneously provided by the complainant in his/her inquiry including possibly the personal data of individuals other than the complainant.

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

a) Retention period: 5 years after closure of the file in accordance with the retention period established in the Common Retention List – SEC(2019)900 – under point 2.4.14.

b) Storage period: Same as per retention period above

c) Is any further processing for historical, statistical or scientific purposes envisaged, which would go beyond the normal retention period?

In accordance with the common Commission Retention List and after the 'administrative retention period' of 5 years, files concerning Ombudsman inquiries may be transferred to the Historical Archives of the European Commission for historical purposes.

1.10. Recipients of the data

Access to the data will be given only on a need to know basis to :

- Agency's authorised staff in charge of handling or involved in the inquiry in the Agency
- Authorised staff in the European Commission's services and Executive Agencies, where applicable.

Pursuant to point (13) of Article 3 of the Regulation, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients. In this context and if appropriate, access will be given to: the European Commission's Internal Audit Service (IAS) and Investigation and Disciplinary Office (IDOC); the European Court of Justice;

the Anti-Fraud Office of the European Commission (OLAF); the European Public Prosecutor Office (EPPO), the European Court of Auditors and/or the European Data Protection Supervisor. Further processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

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

In case the Agency is requested to reply directly to the complainant, transfer of personal data to third countries may occur in case the EU citizen resides outside EU. The disclosure of personal data to an EU citizen residing outside the EU is done only if the conditions for an international transfer of Chapter V of the Regulation are met.

Since the factual and legal circumstances, including the place of residence of the complainant, are different for each case, the application of the appropriate legal basis for the transfer (adequacy decision - Article 47 of the Regulation, application of appropriate safeguards- Article 48.2 and .3, or derogation for a specific situation – Article 50(1)(d) and (g) of the Regulation) has to be assessed on a case-by-case basis.

1.12. Description of security measures

Inquiries from European Ombudsman are sent to the Agency via “DECIDE”, which is the IT tool managed by the European Commission’s Secretariat-General. Access to “Decide” is given only to authorised staff. In accordance with EC rules on document management, all documents received and drawn up by the Agency, including correspondence, are registered in the ARES internal database (see specific record on document management for more information).

The EU staff abide by statutory, confidentiality requirements.

All data in electronic format (e-mails, documents...) are stored on a secured drive with restricted access on a need to know basis. Electronic data resides including in “DECIDE” on the servers of the European Commission, which abide by strict security measures to protect the security and integrity of electronic assets (through User-ID and password, etc.). CINEA is bound by Commission Decision 2017/46 of 10/1/17 on the security of communications & information systems in the European Commission.

An Outlook functional mailbox is created and used solely for the purpose of handling Ombudsman inquiries and access to this mailbox is restricted on a need to know basis to the staff members of the Head of the Legal Affairs Sector, the Ombudsman coordinator and other staff of the legal team designated to handle Ombudsman cases.

Access to documents related to the Ombudsman complaint are stored in ARES with the relevant safeguards (access via ECAS password and authentication).

Paper files related to European Ombudsman cases are kept in a locked cupboard accessible only to a limited number of authorised staff, on a strict need-to-know basis and subject to specific internal approval procedures.

1.13. Data Protection Notice

A Data Protection Notice (DPN) relevant to this data processing activity is available on the CINEA Intranet page, on [the e-MoP section dedicated to Ombudsman](#) and on CINEA website. The Agency services are in principle not in direct contact with the complainants. In addition, complainants seeking information about the processing of their personal data will receive the DPN.