



## 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.

<sup>2</sup>

Record No: 2021-005/A4-DM-1  
Created on (date): 9/9/2020  
Last update (date): 30/03/21

#### NAME OF THE PROCESSING ACTIVITY

Management and (short- and medium-term) preservation of CINEA documents

#### GROUND FOR THE RECORD [*TICK THE RELEVANT ONE*]:

- Regularisation of a data processing activity already carried out  
This record replaces notification n° DM-2 issued under the previous Data Protection Regulation
- 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

<sup>2</sup> *The Record number in the central register will be provided during the consultation with the DPO*

## **1. MANDATORY RECORD UNDER ARTICLE 31 OF THE REGULATION**

### **1.1. Name and contact details of controller**

- a. CINEA A4  
Chaussée de Wavre 910  
W910 04/047  
BE – 1049 Brussels
- b. the Head of Unit
- c. Email: [CINEA-LOGISTIC@ec.europa.eu](mailto:CINEA-LOGISTIC@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)**

Secretariat-General (SG) of the European Commission (Service Level Agreement 2020 on HAN (Hermes-Ares-NomCom) )

Directorate General for Informatics (DG DIGIT) of the European Commission (Service Level Agreement DIGIT-042-00)

### **1.5. Purpose of the processing**

The processing of personal data in the context of document management has the purpose of ensuring that documents produced and received as part of the Agency activities are managed according to the principles of good administration.

The management and short- and medium-term preservation of documents responds to a number of needs of the Agency as follows:

- ensure business continuity and accountability in the context of the Agency activities by keeping appropriate documentation on them, and contribute to the transparency of Agency activities;
- improve quality of services with document management, collaboration and workflow features

### **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, 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 and innovation; environment, nature and biodiversity; transition to low-carbon technologies; and maritime and fisheries;
- Commission decision 2002/47/EC, ECSC, Euratom on document management.

### 1.7. Categories of data subjects

- Internal to the organisation: Any Agency staff member.
- External to the organisation: Every individual who sends or receives documents that need to be captured or registered in line with Commission decision 2002/47/EC on document management and every individual whose personal data are mentioned in said documents.

### 1.8. Categories of personal data

#### ➤ Metadata:

mandatory minimum metadata in relation to the author and addressee of a given document: typically name and surname of the respective individuals and the department/body to which they belong;

the title or subject of the document or file concerned may contain any category of personal data;

the title/brief description of the attachments of the document concerned may contain any category of personal data.

#### ➤ Audit trail and workflow data:

name, surname, department, e-mail address of the author(s) or participant(s) involved in major records management actions at the level of metadata, documents, files or procedures (e.g. document signing, document transmission, responsibility for a given file or for transfer of a given file to the historical archives).

#### ➤ Access management and control data:

name, surname, department, e-mail address and individual access rights of a user may be processed.

Document content data (to ensure authoritative records, for full text search and for the (organisation of the) transfer of files to the historical archives):the documents processed may contain any category of personal data.

- The processing operation concerns any 'special categories of data' which fall(s) under Article 10(1) of the Regulation is prohibited unless any duly justified reasons under Article 10(2) of the Regulation applies

The reasons under Article 10(2) allowing the processing of the special categories of data may be as follows:

- Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the entity of the operational controller or of the data subject in the field of employment and social security;
- Processing is necessary to protect the vital interests of the data subject or of another person where the data subject is physically or legally incapable of giving consent;
- Processing relates to personal data which are manifestly made public by the data subject;

- Processing is necessary for the establishment, exercise or defense of legal claims or whenever the Court of Justice of the European Union is acting in its judicial capacity;
- Processing is necessary for reasons of substantial public interest, on the basis of Union law which shall be proportionate to the aim pursued.

Special categories of data falling under Article 10 may appear in files relative to human resources management, financial management, health management, management of disciplinary proceedings: identification data, financial data, HR data, etc.

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

a) Retention time,

Data is kept in accordance with the 2019 Retention List of the Commission in line with the period applicable for the process concerned.

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 ? Yes

Archiving in the public interest for scientific or historical research purposes or statistical purposes if applicable in line with the 2019 Retention List of the Commission or historical archiving policy of the EC.

### **1.10. Recipients of the data**

Recipients are on a need to know basis.

Any recipient of a given document that has been sent by the Agency in the context of its activities.

- *Inside the Agency: Agency staff that are involved in the processing to achieve the specific purposes of this processing operation (Unit A 4, Operational Unit in charge of the file subject to document management, etc).*
- *Outside the EU organisation: any persons outside the Agency that are recipients of documents that have been sent by the Agency in the context of its activities: e.g.: natural person representing a legal person, public authority, Commission Services, other executive agencies, etc.*

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

Depending on the way records management are implemented in practice, access to the content of any given document and its metadata may be to all users or on a need to know basis, as assessed by the de facto controller responsible for the processing operation in the context of which the personal data are being processed.

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, IDOC, 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

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

Not applicable

#### **1.12. Description of security measures**

In order to protect the 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 operations abide by the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community with duty of confidentiality, etc as well as by Commission Decision 2015/444 on the security rules for protecting EU classified information and Security Notice C(2019)1904 on marking and handling of sensitive non-classified information.

All data in electronic format (emails, documents, uploaded batches of data etc.) are stored on the servers of the Commission. Access to data is only possible via restricted access on an individual need to know basis and through User-ID and password. Personal data resides on the servers of the European Commission, which abide by strict security measures implemented by DG DIGIT to protect the security and integrity of the relevant electronic assets. IT systems are compliant with the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems

The access to sensitive data under Art.10 of the Regulation is managed via a triple security (see below section on Security) :

- at level of metadata there is minimal encoding,
- at the level of a given document markings are applied to restrict visibility and
- at the level of the files the access to a given file's content is restricted to people or services that have a need to know.

If applicable, paper records and files (the current and intermediate archives of the Agency ) are stored in dedicated storage areas to be able to guarantee their physical protection.

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

A Data Protection Notice (DPN) relevant to this data processing activity is available on the CINEA Intranet in the e-Manual of Procedure in the section dedicated to document management.

For the DPN relating to process using ARES, see:  
Privacy\_statement\_AresNomCom\_DPREC00536\_v20200319.docx