



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: 2022-001/A2-LEG-01  
Created on (date): 08/02/22  
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**NAME OF THE PROCESSING ACTIVITY**

Handling requests for access to documents lodged under Regulation (EC) No 1049/2001

**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

### 1.1. Name and contact details of controller

- a. CINEA  
Chaussée de Wavre 910  
W910  
BE – 1049 Brussels
- b. the Head of Unit A.2 Legal Affairs, External audits (for initial applications) and Administrative Finance and the Director (for confirmatory applications)
- c. Email: [CINEA-ACCESS-DOCUMENTS@ec.europa.eu](mailto:CINEA-ACCESS-DOCUMENTS@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 processing of personal data has the purpose of handling requests for access to documents lodged under Regulation (EC) No 1049/2001 within the prescribed legal deadlines. The personal data may be processed further if applicable to allow preservation and retrieval of relevant information where follow-up is required on these requests such as in case of an inquiry by the European Ombudsman or in case of court proceedings.

### 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 programmes<sup>2</sup>;
  - 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/EU<sup>3</sup>;
  - iii) Commission Decision C(2021)947 of 12 February 2021 delegating powers to the European Climate, Infrastructure and Environment Executive Agency with

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<sup>2</sup> OJ L 11 of 16.01.2003, p. 1

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

- 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) Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>4</sup>;
  - v) Commission Decision of 5 December 2001 amending its rules of procedure C(2001)3174 (detailed rules for the application of Regulation (EC) 1049/2001);
  - vi) Decision SC (2008)001 of the TEN-EA Steering Committee of 30 September 2008 laying down detailed rules for the implementation of Regulation (EC) 1049/2001 of the European Parliament and of the Council regarding public access to documents;
  - vii) Decision 2010/0/T4 of appoints the TEN-T EA Document Access Coordinator.

### **1.7. Categories of data subjects**

The following categories of data subjects are identified:

- Any natural person who submits a request for access to documents, whether acting on behalf of a legal person or not,
- Any natural person whose identity appears on the requests for access to documents submitted by applicants or on the documents requested. This could include personal data about CINEA staff, staff of other EU institutions or personal data of any other individual (applicants, beneficiaries, contractors, external experts etc.).

### **1.8. Categories of personal data**

- a) Personal data, provided by the applicant via the online form:

Compulsory data: Name and contact details (e.g.: e-mail address, etc.), subject of the request (it may contain personal data in case it relates to an identified or identifiable natural person);

Non-compulsory data to facilitate the process: country of residence, telephone number.

- b) Personal data, which the applicant provided in his/her application, submitted in another electronic or paper format;
- c) Personal data contained in the documents requested: this data is released if it does not undermine the protection of privacy and integrity of individuals in line with the EU legislation on data protection as provided for by Regulation (EC) No 1049/2001, as well as in the reply to the application and in related correspondence with the applicant. (Most personal data in documents provided in replies to access to documents requests are usually redacted in application of Article 4.1(b) of Regulation (EC) No 1049/2001).
- d) When there are reasonable doubts concerning the identity of the natural person making the request, CINEA may ask the applicant to provide a copy of an

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<sup>4</sup> OJ L 145/43, 31.5.2001, p. 43-48

identification document (for example, a passport or identity card) in order to verify his/her identity, in the following exceptional circumstances:

- where the documents concerned by the request contain the applicant's own personal data and the applicant is granted individual access to such documents;
- where there are legitimate reasons to consider that the right to access stemming from Regulation (EC) No 1049/2001 is being abused by that particular applicant.

The identification document should contain the applicant's name and, if applicable, his/her postal address, while any other data such as a photograph or any personal characteristics may be blacked out.

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

- a) Retention period: Each file containing personal data will be kept for 5 years after the closure of the case in accordance with the retention period established in the Common Retention List – SEC(2019)900 – under point 9.6.1A for initial applications and point 9.6.1.B for confirmatory applications. In case an identification document is requested, it will be immediately deleted after its verification.
- 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 requests for access to documents, especially confirmatory applications (and the personal data contained in them) may be transferred to the Historical Archives of the European Commission for historical purposes and in such case, files concerning initial applications or accessory information will be eliminated.

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

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

- The CINEA staff designated to handle access to documents requests (e.g. Document Access Coordinator, Legal Affairs Sector Head of Unit A.2, Operational/ Administrative Unit and Head of Department concerned by the documents requested, Director, etc);
- Authorised staff of the European Commission or other Executive Agencies, when the request concerns documents where contribution from or re-attribution between them is necessary
- In case of audits or proceedings, etc., CINEA's Internal Controller, Data Protection Officer, etc.

Pursuant to point (13) of Article 3 of the Regulation, public authorities that 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; the European Ombudsman; 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.

The documents and personal data disclosed under Regulation (EC) No 1049/2001, read in conjunction with Article 9 of the Regulation, are sent directly to the applicant who requested access to documents and are considered as having made public.

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

CINEA may reply to an applicant requesting access to documents under Regulation (EC) No 1049/2001 residing in any country outside the EU. Apart from the applicant's own personal data, CINEA only discloses personal data if the request does not fall under the exemption of Article 4.1 (b) of Regulation (EC) No 1049/2001. Moreover, the disclosure of personal data to an applicant 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 applicant, are different for each application for access to documents, 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) will be assessed on a case-by-case basis.

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

Requests are submitted by applicants in writing via email, letter through the online forms available on the CINEA website.

All data in electronic format (e-mails, documents, etc.) are stored on a secured drive with restricted access on a need to know basis by the members of the Legal Affairs Sector and other designated staff of CINEA. Electronic data resides 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 EC.

An Outlook functional mailbox is created and used solely for the purpose of handling access to documents requests and access to this mailbox is restricted on a need to know basis to the staff members of the Legal Affairs Sector, who were designated to handle requests on access to documents.

Access to documents requests, third party consultations and replies to applicants are stored in ARES with the relevant safeguards (access via ECAS password and authentication).

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

A Data Protection Notice (DPN) relevant to this data processing activity is available on [CINEA website](#), under [Access to documents \(europa.eu\)](#).