



EUROPEAN CLIMATE, INFRASTRUCTURE AND
ENVIRONMENT EXECUTIVE AGENCY (CINEA)

CINEA.A - Programme Support & Resources
A.2 - Legal Affairs, External audits and Administrative Finance

RECORD OF PERSONAL DATA PROCESSING ACTIVITY

In accordance with Article 31 of the [Data Protection Regulation for EUIs¹](#) (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: 2020-026/R02-PROG-03

Created on (date): 03/09/20

Revised on: 06/09/21

NAME OF THE PROCESSING ACTIVITY

Processing of personal data related to ex-post audits conducted by the Agency and contract management, including processing of data of contractors.

GROUND FOR THE RECORD

Regularisation of a data processing activity already carried out

This record replaces notification n° PROG 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).

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

1. MANDATORY RECORD UNDER ARTICLE 31 OF THE REGULATION²

1.1. Name and contact details of controller

- a. CINEA Unit A2 – Department A, Chaussée de Wavre 910
W910
BE – 1049 Brussels
- b. the Head of Unit A2
- c. Email: CINEA-EXT-AUDIT@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)

Not applicable

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

Ex-post controls are either carried out directly by CINEA staff ("own-resource-audits") or outsourced to external audit firms located in the EU (processors), who are bound by strict confidentiality & data protection rules (GDPR).

The external audit firms are contracted for audit services of EU funded programmes under Framework Contract (FWC) 2021-AUDFWC-01 DL³ signed by the parties on 29/07/2021 (inter-institutional agreement among Executive Agencies).

The processors under this FWC are:

DELOITTE BEDRIJFSREVISOREN / RÉVISEURS D'ENTREPRISES SCRL
GATEWAY BUILDING
LUCHTHAVEN BRUSSEL NATIONAAL 1 J
ZAVENTEM, 1930
BELGIUM

BDO LLP
BAKER STREET 55 W1U 7EU
LONDON
UNITED KINGDOM

PKF LITTLEJOHN LLP
15 WESTFERRY CIRCUS
CANARY WHARF, E14 4HD
LONDON

³ Each Framework Contractor has a separate contract and reference. Deloitte as lead contractor in the cascade is referenced above. For BDO LLP the reference is 2021-AUDFWC-02BDO, for PKF Littlejohn LLP it is 2021-AUDFWC-03PFK

1.5. Purpose of the processing

Collection of personal data is processed in the context of ex-post controls of CINEA funded projects aiming at verifying beneficiaries or subcontractors' compliance with all provisions of the Grant Agreement (including financial provisions), in view of checking and delivering assurance that the co-financed project is properly implemented and in view of assessing the legality and regularity of the transaction underlying the implementation of the European Union budget.

1.6. Legal basis for the processing

- 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;
- 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;

The possibility for CINEA to carry out ex-post controls is foreseen in the general conditions of the grant agreements signed between the Agency & the Beneficiary of the EU grant as required by the Financial Regulation applicable to the General Budget of the Union

- Regulation (EU, EURATOM) No 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, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, OJ-L 193/30.07.2018, p.1.
- Commission Regulation (EC) No 1653/2004 of 21 September 2004 on a standard financial regulation for the executive agencies pursuant to Council Regulation (EC) No 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community Programmes as amended by Commission Regulation (EC) No 651/2008 of 9 July 2008 amending Regulation (EC) No 1653/2004 on a standard financial regulation for the executive agencies pursuant to Council Regulation (EC) No 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community Programmes.

1.7. Categories of data subjects

Beneficiaries of EU funded projects including affiliated entities, implementing bodies and subcontractors, under programmes managed by CINEA.

1.8. Categories of personal data

- Name,
- Staff number
- Function & grade
- Contact details (phone no, email address etc.)

- Professional activities and expertise,
- Professional address,
- Employment contract
- Timesheets & salary sheet, as well as relevant information such as performed hours linked to named staff/staff number, the individual hourly rate calculation, leave and absences, if relevant social security and pensions, etc.,
- Accounts/cost accounting, information coming from local IT system used to declare costs, etc.,
- Personal data appearing in awarded contracts (procurement)subject to the audit;
- Supporting documents linked to travel costs (boarding pass, etc.),
- Minutes from relevant meetings /missions, etc...

Please note that the above list is not exhaustive and may vary depending on the type of project/audited entity. Only personal data, which is necessary for the processing operation in the light of its purpose will be used. Any personal data provided in the course of the audit that is not needed for audit purposes will not be retained in file. In case it is embedded in needed information or provided on a voluntary basis but not needed, CINEA will disregard and delete it.

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

In accordance with the 2019 Retention List of the Commission⁴ files relating to the management of grant agreements and decisions are retained by CINEA for a period of 10 years from the audit closure. This is on condition that there is no ongoing proceedings: in this case, data may be kept until the end of the last possible legal procedure. After that, some data may be transferred to the Historical Archives of the EC (as indicated in the Commission Common retention list).

1.10. Recipients of the data

All recipients are on a "need to know" basis only:

For the purpose detailed above, access to the personal data of the audited entity is given to the staff of the Agency in charge of ex-post controls, without prejudice to a possible transmission to the relevant Commission Services, Executive Agencies, and the authorising officer responsible of the project.

Ex-post controls are either carried out directly by CINEA staff ("own-resource-audits") or outsourced to external audit firms located in the EU or UK⁵ (processors), who are bound by strict confidentiality & data protection rules.

In case of proceedings, etc., data may be transferred to the CINEA's Internal Controller, Legal Sector, DPO, etc.

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

⁵ Commission Implementing Decision C(2021) 4800 pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council on the adequate protection of personal data by the United Kingdom refers in article 1 that 'For the purposes of Article 45 of Regulation (EU) 2016/679, the

Data may be transferred to public authorities in the framework of a particular inquiry in accordance with Union or Member State law .e.g. OLAF, EPPO, Court of Auditors, Ombudsman, EDPS, IDOC, Internal Audit Service of the Commission, 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, etc.).

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

Personal data will be processed and stored mainly in the EU/EEA.

Transfer of Data to the UK based processors (contractors) is permitted via Commission Implementing Decision C(2021) 4800, pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council on the adequate protection of personal data by the United Kingdom. This decision refers in Article 1 that 'For the purposes of Article 45 of Regulation (EU) 2016/679, the United Kingdom ensures an adequate level of protection for personal data transferred within the scope of Regulation (EU) 2016/679 from the European Union to the United Kingdom.'

By exception, the Agency may authorise transfers into third countries in case the audited entity is based into a third country and the contractor needs to recruit a local auditor to partly or fully carry out the audit. Such transfers will be based on a derogation of Article 50(b) (transfer necessary to perform a contract between data subjects and the controller), and 50(1)(d) (transfer is necessary for important reason of public interest recognised by EU law, which in this case is the Financial Regulation).

1.12. Description of security measures

The collected personal data are kept in secured e-files and premises with a restricted access on a need to know basis to ex post controllers and authorised users, who are bound by confidentiality rules. The Agency's premises and operations of all servers abide by the European Commission's security decisions and provisions established by the Security Directorate of the European Commission (e.g. User-ID and password, etc.).

1.13. Data Protection Notice

A Data Protection Notice (DPN) relevant to this data processing activity is available on CINEA website:

https://cinea.ec.europa.eu/about-us/data-protection_en#ecl-inpage-1244

The link to it will be included in the announcement letter.