



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.

²

Record 2023-002/A2-LEG-06
Created on (date): 08/09/2020
Last, update (date): 20/03/23

NAME OF THE PROCESSING ACTIVITY

Litigation operations

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

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

1. MANDATORY RECORD UNDER ARTICLE 31 OF THE REGULATION³

1.1. Name and contact details of controller

- a. CINEA / Unit 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-LITIGATIONS@ec.europa.eu

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

CINEA DPO

CINEA-DPO@ec.europa.eu

1.2. Name and contact details of joint controller (where applicable)

Not applicable

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

Not applicable

1.4. Purpose of the processing

To manage the cases in which CINEA is party/intervener before jurisdictions such as the Court of Justice of the European Union, General Court, etc. and arbitration.

1.5. Legal basis for the processing

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 ;
 - 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;

³ *This part of the record will be published on INEA website and should be aligned with the information provided in the DP notice*

- 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);

1.6. Categories of data subjects

Internal to the organisation – Staff members of the Agency intervening in the litigation

External to the organisation – Parties/interveners in the litigation (e.g.: grant beneficiaries, applicants, contractors and their legal counsellor, etc.).

1.7. Categories of personal data

All categories of personal data may be processed within the context of litigation cases (including pre-litigation phase) particularly identification data, professional data and case involvement data, such as for instance:

- Names and contact details of the data subjects involved, including the Agency and EC Staff involved in the proceedings as well as external lawyers representing the Agency or the parties concerned. Any other personal data which is relevant and necessary for the processing;

The processing operation may concern any categories of personal data (e.g., health related data, etc.) pursuant to Article 10(2) of the Regulation. These special categories of personal data may be incidental to the activity of litigation.

The data being processed may also contain sensitive data, which fall(s) under Article 11 of the Regulation on 'criminal convictions and offences', in case for instance when the litigation may concern criminal cases.

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

a) Retention period: 5 years after closure of the case in accordance with the retention period established in the Common Retention SEC (2019)900

b) Storage period: same as retention period

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 are transferred to the Historical Archives of the European Commission for historical purposes.

1.9. Recipients of the data

- Agency's authorised staff in charge of handling or involved in the legal proceedings (Legal Affairs Sector (hereafter LAS) in A2, Operational and Financial Staff involved in the case, Director, Human Resources, etc)

- Authorised staff in the European Commission's services and other Executive Agencies, where applicable. These services may need to be consulted on litigation cases, notably the parent-DGs involved, the Secretariat General, the Legal Service and if necessary any other DG or Agency involved in the file concerned by the legal proceedings (e.g. in case of joint cases) .

- External lawyers assisting the Agency in litigation proceedings

- Where appropriate, any relevant other parties and interveners/participants to the proceedings

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 may be given to: the European Commission's Internal Audit Service (IAS), the Investigation and Disciplinary Office (IDOC); 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.

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

Transfer of personal data to third countries may occur in case the EU citizen, who is party to the proceedings, resides outside EU and in case the proceedings are under the jurisdiction of a national court/other jurisdiction outside the European Union/EEA. Such a transfer 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 parties to the proceedings, are different for each case, the application of the appropriate legal basis for the transfer may be adequacy decision - Article 47 of the Regulation, application of appropriate safeguards- Article 48.2 and .3, International Agreement – Article 49 of the Regulation, or derogation for a specific situation –Article 50(1)(d), (e), etc. of the Regulation, and is to be assessed on a case-by-case basis.

1.11. Description of security measures

The collection and processing of personal data is carried out on a need to know basis with the required confidentiality for handling of legal proceedings as applicable in the EU institutions. The personal data is stored on central servers of the European Commission or the Agency. Access rights to personal data are provided only to authorised Agency staff on a need to know basis via password protected computers by means of a secure Web interface using Commission's standard IT resources and telecommunications infrastructure subject to the Commission's security decision. CINEA is bound by Commission Decision 2017/46 of 10/1/17 on the security of communications & information systems in the European Commission.

Access to electronic data is allowed through authentication via EU Login, which guarantees that only authorised staff can have access to it. Data on litigation cases are stored on restricted folder accessible only to LAS/A2. Electronic communication is done via SECEM encryption and with a functional mailbox accessible only to the LAS lawyers in charge of litigation. Paper documents if applicable (since digital processing is applied) are kept in locked cupboards.

1.12. Data Protection Notice

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