



EUROPEAN COMMISSION

Innovation and Networks 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 Innovation and Networks Executive Agency (hereinafter referred to as INEA 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.

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Record No: 2020-028/-DO-PROG-04
 Created on (date): 01-10-20
 Last update (date):

NAME OF THE PROCESSING ACTIVITY

Grant management and registration/validation of participants via the F-T Portal.

GROUND FOR THE RECORD

- Regularisation of a data processing activity already carried out
 This record replaces notification EVA 4 issued under the repealed Data Protection Regulation 1045/2001.
- Record of a new data processing activity prior to its implementation
 This record will apply to any new Programmes managed under the F-T Portal that the Agency may receive under new MFF & Delegation Act
- 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. INEA – Director’s Office
Chaussée de Wavre 910
W910 04/136
BE – 1049 Brussels
- b. The Director
- c. Email: inea@ec.europa.eu

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

INEA DPO

INEA-DPO@ec.europa.eu

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

Yes with DG RTD & Research family

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

Processing operations go through different generic IT systems placed under the responsibility of Business Process Owners, located within different members of the Research family (i.e. at the Agency (Call Management), REA (Proposal submission and evaluation), etc. The development and maintenance of some IT systems as well as the processing of certain modules is done by DG DIGIT and DG RTD. Some processing operations are implemented by other DGs of the Commission (e.g. payments with ABAC by DG BUDG (DPR-EC-00301), access control to EC premises by DG HR (DPR-EC-00655), management of the evaluation support service by REA), and by the Publication Office (OP) (CORDIS publications – DPR-EC-00452).

External processors (contractors, intra and extra-muros) are the independent expert evaluators, reviewers and other contractors who are working on behalf of and under the responsibility of the Commission and/or its services for the purposes of proposal evaluation, grant management (including checks and reviews), action reporting and Research networking. Any processing operations performed on behalf of the Agency (the Controller) by a contractor (a Processor) of the Commission are pursuant to Article 29 of the Regulation. The subsequent obligations of the Processor are made mandatory via a dedicated DG BUDG contractual clause.

1.4. Purpose of the processing

- The purposes of the processing operations relating to registration/validation of participants, the award, management and follow-up of grants by the Controller in the context of implementing the Programmes and Initiatives managed by the Controller are to ensure that

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

- proposals are evaluated against the announced criteria in a transparent and effective manner;
 - the best proposals are selected for funding;
 - the ensuing grant agreements are concluded and implemented according to the contractual provisions and in conformity with sound financial management of the EU budget;
 - the follow-up of projects are done with the aim of maximising the dissemination and exploitation of results;
 - information for the evaluation of the Programmes and Initiatives managed by the Controller as well as improvement of the future Programmes and Initiatives are processed.
- A limited subset of the personal data may be processed for communication purposes, as per the rules of each call for proposals (e.g.: for Horizon 2020, cf. Articles 31.5, 38.2 of the Model Grant Agreement).

1.5. Legal basis for the processing

- REGULATION (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104) (in particular Art. 19.1 §2 and Art. 28);
- COUNCIL REGULATION (Euratom) 2018/1563 of 15 October 2018 on the Research and Training Programme of the European Atomic Energy Community (2019–2020) complementing the Horizon 2020 Framework Programme for Research and Innovation, and repealing Regulation (Euratom) No 1314/2013 (OJ L 262, 19.10.2018);
- REGULATION (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in "Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)" and repealing Regulation (EC) No 1906/2006 (OJ L 347, 20.12.2013, p. 81);
- COUNCIL DECISION of 3 December 2013 establishing the specific programme implementing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decisions 2006/971/EC, 2006/972/EC, 2006/973/EC, 2006/974/EC and 2006/975/EC (2013/743/EU, OJ L 347, 20.12.2013, p. 965);
- Commission Delegated Regulation (EU) 2019/856 of 26 February 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council with regard to the operation of the Innovation Fund, OJ L 140, 28.5.2019
- Regulation (EU, Euratom) 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, 30.7.2018, p. 1–222);

- 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.
- 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 Decision 2013/801/EU of 23 December 2013 establishing the Innovation and Networks Executive Agency and repealing Decision 2007/60/EC establishing the Trans-European Transport Network Executive Agency as amended by Decision 2008/593/EC;
- Commission Decision C(2013)9235 of 23 December 2013 delegating powers to INEA with a view to the performance of tasks linked to implementation of the Union programmes in the field of transport, energy, telecommunications infrastructure and in the field of transport and energy research and innovation, comprising in particular implementation of appropriations entered in the general budget of the Union;
- Communication to the Commission C(2020)2880 of 29 April 2020 on the Delegation of implementation tasks to Executive Agencies for the 2021-2027 EU programmes.

1.6. Categories of data subjects

Data subjects are persons working for the legal entities which request (Applicants) or receive (Beneficiaries) funding through Horizon 2020 and other related Programmes and Initiatives managed by the Agency within the scope of the concerned actions.

Personal data processing operations may relate to any other person (citizens, officials of the European Union or third countries, etc) whose data are submitted to the Agency in the context of grant management preparation, implementation and follow up (.e.g. Legal Entity Appointed Representative information).

1.7. Categories of personal data

1 Submission of proposals via the F&T portal and their evaluation

The categories of data collected and processed via the [F&T portal](#) are identification and contact details of the "person in charge of the proposal" of each Applicant, as well as of other categories of staff if any.

Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual orientation may be received only as much as these data appear spontaneously in the CV provided by the data subjects. Those data are not processed during the management of the call or the execution of the agreement, since they are not pertinent, with the exception of extract of judicial records, which may be required when relevant.

The address, city, country, telephone and fax numbers, bank account numbers as well as e-mail addresses provided in the proposals are usually the professional ones of the

person filling in the form and submitting the application. Thus, as a general rule (with the exception of cases where the applicant is a natural person), private addresses or bank account numbers etc. are not processed.

2 Proposals retained for funding (retained for funding or to be included in a reserve list) and grant management

In addition to the data of section 'submission of proposals' further categories of data are collected and further processed for successful proposals with the aim of contracting the Grant Agreements: identity, contact details and declaration of honour of the Legal Entity Appointed Representative (LEAR) of each beneficiary, identity and contact details of the person appointing him/her, identity and contact details of the Primary coordinator contact and Participant contacts.

3 Data processed only further to the unambiguous consent of the data subject

In accordance with Articles 15-16 and 5(d) of the Regulation, the data subjects will be duly informed in advance about the foreseen purpose(s), legal basis and related provisions of the processing at stake. No such processing will be implemented until the data subject has provided his/her unambiguous consent to the Applicant/Beneficiary in compliance with Article 5(d) of the Regulation. The consent could be provided through the signature of a declaration of agreement (kept by each Applicants/Beneficiaries and provided to the Controller if there is a need for verification).

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

a) Retention period

- For beneficiaries receiving EU funding, personal data is retained for 10 years after the end of the year following closure of the action.
- For unsuccessful applicants, personal data is retained for up to 5 years after the closure of the call for which the data have been collected or updated.
- For calls with multiple cut-off dates, personal data is retained for up to 5 years after the date of the cut-off following the submission of the proposal.
- In case updates are made to the personal data of legal entities' representatives, the data will be kept for 5 years after their last update.
- If required, extract of judicial records, are not be kept for more than two years following the closure of the particular procedure.

Pursuant to Article 4(1)(e) of the Regulation, and subject to the implementation of appropriate safeguards in accordance with Article 13, limited categories of personal data of beneficiaries may be retained for scientific research and/or statistical purposes for up to 25 years unless the data subject exercise his right to object under Article 23 of the Regulation;

In any case, personal data contained in supporting documents are deleted where possible when these data are no longer necessary for budgetary discharge control and audit purpose

b) Storage period: see above point 1.8 a), here above.

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

Processing for statistical purposes is only done so as to monitor the progress of the implementation of the Programmes and Initiatives managed by the Agency. For this purpose, personal data are duly encrypted or anonymised.

1.9. Recipients of the data

Access to personal data is provided to authorised staff of the Controller responsible for carrying out each processing operation based on the necessity and data minimisation principles. Such staff abide by statutory, and when required, additional confidentiality agreements.

Access is also given to independent experts, contractors and beneficiaries of actions who are working for or on behalf of and under the responsibility of the controller and/or their services for the purposes of evaluation of proposals, monitoring of grants, communication activities, networking among beneficiaries and concerned staff , as well as design, monitoring and evaluation of Research and Innovation Programmes and other EU Programmes and Initiatives.

In addition, data may be disclosed to:

- Research Executive Agency: for personal data submitted by the applicants for the validation of their legal entities and financial capacity;
- Programme committee (authorised persons from Member States Ministries): whether comitology or information procedure is applied to a selection, the members of the programme committee (representatives of the member states) receive information on selected proposals that may contain limited personal data.

Upon request and for the purposes of legal proceedings: Access to personal data is provided to:

- Authorised staff of the EU Courts (e.g. the General Court and the Court of Justice) or national Courts as well as the lawyers and the agents of the parties;
- The competent Appointing Authority in case of a request or a complaint lodged under Article 90 of the Staff Regulations;
- OLAF in case of an investigation conducted in application of Regulation (EC) No 883/2013;
- The Internal Audit Service of the Commission within the scope of the tasks entrusted by the Financial Regulation;
- The Court of Auditors within the tasks entrusted to it by Article 287 of the Treaty on the Functioning of the European Union
- 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;
- The European Data Protection supervisor in accordance with Article 58 of the Regulation.

- 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

Disclosure only with the Data Subject explicit consent is done in compliance with the 'necessity' and 'data minimisation' principles, as follows:

- The Legal Entity Appointed Representatives (LEARs) Account administrators or Self-Registrants of the participating organisations included in the project proposal if these organisations are located in third countries without an adequacy decision, i.e. which do not ensure an adequate level of protection of personal data as recognised by the European Commission decision
- Public research funding bodies and other research organisations of EU/EEA countries as well as third countries associated to Horizon 2020 for which the Commission has not adopted an adequacy decision;
- Programme Committees members for purposes which are out of the scope of their tasks;
- Funding bodies in EU/EEA countries and countries associated to H2020, with the aim of seeking national funding sources out of the scope of the Programmes and Initiatives managed by the Controllers.
- Authorised persons in EU/EEA countries and third countries associated to Horizon 2020 and for which the Commission has adopted an adequacy decision.

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

YES: transfers may be done to research funding bodies in Associated Countries and Third Countries

The legal base for the data transfer is

1. Transfer subject to appropriate safeguards (Article 48.2 and .3)

Standard data protection clauses adopted by the European Data Protection Supervisor and approved by the Commission, pursuant to the examination procedure referred to in Article 96(2)

2. Subject to the authorisation from the European Data Protection Supervisor

In line with the Regulation, personal data might be transferred to recipients other than Union institutions and bodies: provided that conditions under Article 8 (a) and (b) and Article 46, paragraphs (1), (2) and (3) of the Regulation are met.

1.11. Description of security measures

All processing operations have an automated part. This point covers front-office automated processing operations and supporting IT systems for Applicants/Beneficiaries. All EC IT systems are compliant with the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.

Besides, the Commission's contractors established in the EU which run IT systems on behalf of or for the EC abide contractually by dedicated provisions (BUDG clause referred to hereof) and legal obligation resulting from the Regulation (EU) 2016/679 . They act only on instruction from the Commission and undertake to adopt appropriate technical and organisational security measures having regard to the risks inherent in the processing and to the nature of the personal data concerned

Access rights and controls are secured via the ECAS (European Commission Authentication Service) granted to persons authorised to get access to specific documents (call management, grant management, etc.). All stakeholders involved in the evaluation and granting process are reminded to use the personal data received only for the purpose for which they were transmitted and not to retain any irrelevant and excessive data received with the proposals ("need to know" principle).

The personal data is stored in databases that reside on the Controllers or DG DIGIT servers, the operations of which abide by the European Commission's security rules and provisions established by DG HR that are continuously updated and revised. Where processing operations are run by a service provider, this provider acts only on instructions from and under a specific contract with the Commission, abiding to strict technical and organisation security measures in adherence to the Regulation.

1.12. Data Protection Notice

A Data Protection Notice (DPN) relevant to this data processing activity is available on the F-T Portal :

http://ec.europa.eu/research/participants/portal/desktop/en/support/legal_notices.html