



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.

Record No: 2020-026/R02-PROG-03

Created on (date): 03/09/20

Last update (date): 04/09/20

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. INEA Unit R2 – Department R Chaussée de Wavre 910
W910 04/136
BE – 1049 Brussels
- b. the Head of Unit R2
- c. Email: INEA-EXT-AUDIT@ec.europa.eu

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

INEA DPO

INEA-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 INEA 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) 2016-AUDFWC-01 MS signed by the parties on 08/06/2016 (inter-institutional agreement among Executive Agencies). Due to the Covid situation, the contract was exceptionally prolonged on 02/06/2020 until December 2020.

The processors under this FWC are:

BDO LLP
BAKER STREET 55 W1U 7EU
LONDON
UNITED KINGDOM

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

A new FWC to replace the current one is under tendering procedure. A new contract is expected to be signed in 2021.

1.5. Purpose of the processing

Collection of personal data is processed in the context of ex-post controls of INEA 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

- 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;

The possibility for INEA to carry out ex-post controls is foreseen in the general conditions of the grant agreements signed between INEA & 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 INEA (e.g. CEF, H2020).

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, 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, INEA 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 Commission³ files relating to the management of grant agreements and decisions are retained by INEA for a period of 10 years.

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 and the authorising officer responsible of the project.

Ex-post controls are either carried out directly by INEA staff ("own-resource-audits") or outsourced to external audit firms located in the EU (processors), who are bound by strict confidentiality & data protection rules (The UK contractor used to be bound by the GDPR before Brexit and is thus expected to meet data protection requirements until the completion of the current FWC).

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

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

³ SEC (2019) 900/2 - ARES(2019)4374520 – 09/07/2019

Transfer to the processor located to the UK is based on fact that the FWC was signed in 2016 when UK was still a full EU Member States and bound by Data Protection rules such as the GDPR until 1/02/20, which is the date of entry into force of the Brexit Agreement. A new FWC is currently under preparation but due to the COVID 19 exceptional situation, the current FWC had to be extended.

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 INEA website: <https://ec.europa.eu/inea/en/connecting-europe-facility>

and on the intranet: <https://ineanet.inea.cec.eu.int/emop/programme-implementation-cef/ex-post-audit-implementation>