



EUROPEAN CLIMATE, INFRASTRUCTURE AND
ENVIRONMENT EXECUTIVE AGENCY (CINEA)

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

Data Protection Notice

Ex-post control

In accordance with Regulation (EU) 2018/1725 of 23 October 2018 on data protection (hereinafter the Regulation), the European Climate, Infrastructure and Environment Executive Agency (hereafter CINEA) collects your personal data only to the extent necessary to fulfil the precise purpose related to its tasks.

1. The controller is CINEA:

- a. Unit: A2
- b. Person responsible for the processing: Head of Unit A2
- c. Email: CINEA-EXT-AUDIT@ec.europa.eu

2. The purpose of the processing is

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.

Ex-post control also contributes to the improvement of financial and practices through the dissemination of lessons learned amongst the Agency's financial and project officers.

3. The data subjects are

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

4. The categories of personal data collected and used for the processing operations are:

- 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, the Agency will disregard and delete it.

5. The recipients of the data are:

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 the UK (processors), who are bound by strict confidentiality & data protection rules (GDPR)¹.

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

Please note that even if there are not recipients per se, your 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.).

6. Data Subjects rights:

You have the right at any time to access your personal data. You may also request to update, remove or restrict/object to processing of your personal data but restrictions may apply due to the purposes of the processing.

CINEA processes personal data in the course of audits in order to evaluate the compliance with the rules set out in the Grant Agreement. CINEA needs to base its findings on facts and substantiate these with relevant data. These data form the audit trail to justify findings and possible financial implications. In order to ensure a sufficient audit trail, the modification or the deletion of personal data is not allowed if it impacts the audit trail, the facts subject to the ex-post control and its findings. In that context, rights to access, rectification, erasure and restriction of processing may be restricted by the Controller on a case-by-case basis in line with the relevant Internal Rules on the grounds of Article 25 of the Regulation, where necessary and appropriate for the audit purposes. This restriction shall be proportionate to what is strictly necessary for the purpose of the processing.

¹ 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.'

The restrictions adopted by the Agency are based on the Decision of its Steering Committee (2020) 26 of 14/10/20 on internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data in the framework of activities carried out by the Agency (OJEU L 45 on 9.2.2021, p. 80).

In order to grant or not the data subjects rights, the Agency will carry out a case-by-case assessment of each individual request and give the reasons underlying its decision for restriction.

The restrictions will continue applying as long as the reasons justifying them remain applicable and may be lifted if these reasons would no longer apply, if the exercise of the restricted right would no longer negatively impact the applicable procedure or adversely affect the rights or freedoms of the data subjects .

7. How does CINEA protect and safeguard your data?

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.).

8. The legal basis of the processing are:

- *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 the Agency 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 Union².

9. The time limits for keeping the data are the following:

In accordance with the 2019 Retention List of the Commission Files relating to the management of grant agreements and decisions are retained by the Agency 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).

10. Contact information

² • 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.

In case you have any questions about the collection/processing of your personal data, you may contact the data controller who is responsible for this processing activity by using the email address mentioned here above in Section 1

You may contact at any time the Data Protection Officer of the Agency (CINEA-DPO@ec.europa.eu). You have the right to have recourse at any time to the European Data Protection Supervisor (edps@edps.europa.eu).