



EUROPEAN COMMISSION

European Climate, Infrastructure and Environment Executive Agency

Data Protection Notice

Follow-up by the Agency of European Ombudsman inquiries

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 “Agency” or “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. CINEA A2 Legal Affairs, External audits and Administrative Finance
Chaussée de Wavre 910
W910 04/136
BE – 1049 Brussels
- b. Person responsible for the processing: Head of Unit A2
- c. Email: CINEA-OMBUDSMAN@ec.europa.eu

2. The **purpose of the processing** is

This process relates to inquiries transmitted to the Agency by the European Ombudsman or his/her office in the framework of its investigations into possible cases of maladministration. The data processed may be used in judicial proceedings, if needed.

3. The **data subjects** concerned by this notice are:

Internal to the organisation:

- Agency staff who have submitted inquiries to the European Ombudsman regarding alleged instances of maladministration, which the European Ombudsman has transferred to the Agency for an opinion, further information or possible follow-up;
- Agency staff authorised to handle inquiries received from the European Ombudsman.

External to the organisation:

- Citizens who have submitted inquiries to the European Ombudsman regarding alleged instances of maladministration, which the European Ombudsman has transferred to the Agency for an opinion, further information or possible follow-up;
- Citizens whose name and/or other personal data are mentioned in the corresponding correspondence with the European Ombudsman, including possibly the personal data of individuals other than the complainant that the latter spontaneously provided in his/her inquiry
- European Ombudsman staff involved in handling the inquiry, staff of EC or other EU Agencies, if they are involved in the inquiry.

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

- Names and contact details of the data subjects involved, the Agency and the European Commission staff involved in the inquiry. Any other personal data which is relevant and necessary for the inquiry processing;
- In the framework of this processing activity, the Agency may process several categories of personal data, particularly identification data, professional data and case involvement data
- Any other personal data spontaneously provided by the complainant in his/her inquiry including possibly the personal data of individuals other than the complainant.

5. The **recipients** of the data are:

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

- Agency's authorised staff in charge of handling or involved in the inquiry in the Agency
- Authorised staff in the European Commission's services and the Executive Agencies, where applicable.

In case of audits or proceedings, investigations, personal data may be provided to the CINEA's Internal Controller, DPO, Legal Sector, Staff Committee and any other authorised staff.

In addition, data may be disclosed to public authorities in accordance with Union and Member State law such as 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, Investigation and Disciplinary Office of the European Commission (IDOC), the competent Appointing Authority in case of a request or a complaint lodged under Articles 90 of the Staff Regulations, European Anti-Fraud Office (OLAF), the Internal Audit Service of the Commission, the Court of Auditors, the European Data Protection Supervisor and the European Public Prosecutor's Office.

6. **Data Subjects rights:**

You have the right at any time to access, rectify, erase ('right to be forgotten') your personal data or to request for the restriction of it processing.

You are also entitled to object to the processing of your personal data on grounds relating to your particular situation at any time unless CINEA demonstrates compelling and overriding legitimate grounds or in case of legal claims.

You can exercise your rights by sending an email with the requested change(s) to the controller via the functional mailbox indicated here-above in Section 1. In any cases your data will be modified or removed accordingly and as soon as practicable (maximum within 10 working days).

However, in line with Article 25 of the Regulation, the data controller may restrict the rights of the data subjects based on the [Decision of the Steering Committee \(2020\) 26 of 14/10/20 \(OJEU L 45 on 9.2.2021, p. 80\)](#), in case where such restriction constitutes a measure necessary to safeguard the protection of the data subjects or the rights and freedoms of other data subjects, etc.

7. **How does CINEA protect and safeguard your data?**

Inquiries from European Ombudsman are sent to the Agency via "DECIDE", which is the IT tool managed by European Commission's Secretariat General. Access to "DECIDE" is given only to authorised staff. In accordance with EC rules on document management, all

documents received and drawn up by the Agency, including correspondence, are registered in the ARES internal database (see specific record on document management for more information).

The EU staff abide by statutory, confidentiality requirements.

All data in electronic format (e-mails, documents...) are stored on a secured drive with restricted access on a need to know basis. Electronic data resides including in “DECIDE” on the servers of the European Commission, which abide by strict security measures to protect the security and integrity of electronic assets (through User-ID and password, etc.). CINEA is bound by Commission Decision 2017/46 of 10/1/17 on the security of communications & information systems in the European Commission.

An Outlook functional mailbox is created and used solely for the purpose of handling Ombudsman inquires and access to this mailbox is restricted on a need to know basis to the staff members of the Head of the Legal Affairs Sector, the Ombudsman coordinator and other staff of the legal team designated to handle Ombudsman cases.

Access to documents related to the Ombudsman complaint are stored in ARES with the relevant safeguards (access via ECAS password and authentication).

Paper files related to European Ombudsman cases are kept in a locked cupboard accessible only to a limited number of authorised staff, on a strict need-to-know basis and subject to specific internal approval procedures.

8. The legal basis of the processing

The legal basis for the processing based on 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 programmes¹;
 - 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/EU²;
 - 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;
 - 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;
 - v) Articles 20, 24 and 228 of the Treaty on the Functioning of the European Union (TFEU);
 - vi) Regulation (EU, Euratom) 2021/1163 of the European Parliament of 24 June 2021 laying down the regulations and general conditions governing the

¹ OJ L 11 of 16.01.2003, p. 1

² OJ L 50, 15.2.2021, p. 9–28

performance of the Ombudsman's duties (Statute of the European Ombudsman) and repealing Decision 94/262/ECSC, EC, Euratom³.

To the extent a complainant provides in his/her complaint special categories of personal data if applicable, which are forwarded to CINEA by the European Ombudsman, the processing thereof is covered by the exception of Article 10(2)(g) of Regulation 2018/1725 ('processing is necessary for reasons of substantial public interest').

In case the Agency is requested to reply directly to the complainant, transfer of personal data to third countries may occur in case the EU citizen resides outside EU. The disclosure of personal data to an EU citizen residing outside the EU is done only if the conditions for an international transfer of Chapter V of the Regulation are met.

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

In accordance with the 2019 Retention List of the Commission: Data maybe kept for maximum 5 years from the closing date of the case. In accordance with this Retention List and after the 'administrative retention period' of 5 years, files concerning Ombudsman inquiries may be transferred to the Historical Archives of the European Commission for historical purposes.

10. Contact information

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).

11. Joint Controllershship Arrangement between Executive Agencies and the European Commission

The European Commission and the Executive Agencies have signed a joint controllership agreement (Ref. Ares(2021)5396089-1/09/2021) that sets out the allocation of respective roles, responsibilities and practical arrangements between them for compliance with their data protection obligations under Regulation (EU) 2018/1725 as joint controllers. That agreement is an arrangement within the meaning of Article 28(1) and (2) of Regulation (EU) 2018/1725.

Under the arrangement, each Party shall ensure and is responsible, with regard to the personal data processed by it in the framework of processing operations that it manages under its own responsibility or on behalf of other Parties as part of its coordinating responsibilities, for ensuring compliance with Regulation 2018/1725.

In addition to this general responsibility, the Commission is specifically responsible for: processing of personal data during consultations of the executive agencies and of the relevant Commission services launched by it, and during the process of obtaining the agreement of the responsible Commissioner, where applicable; acting as the controller when it comes to security or design issues related to the development or operation of the Commission's and executive agencies' joint database for the handling of European

³ OJ L 253, 16.7.2021, p. 1–10

Ombudsman enquiries, including the underlying information technology system. This includes: the appropriate handling of related data subject requests; ensuring the handling of related personal data breaches.

In addition to the general and shared responsibility referred to above, the Agency is responsible for :the processing of personal data when sending correspondence emanating from the European Ombudsman and its services to the relevant parent Directorate-General and other Commission services; and the processing of personal data when replying to or communicating with the European Ombudsman and its services.