



RECORD OF PERSONAL DATA PROCESSING

REGULATION (EU) 2018/1725 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (henceforth the "Regulation")

Record n°

2024-02

In accordance with Article 31 of the Regulation, individuals whose personal data are processed by the 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 operations.

This record covers two aspects:

- 1. Mandatory records under Art 31 of the Regulation (recommendation: make the header and part 1 publicly available)*
- 2. Compliance check and risk screening (initial; part 2 is internal only to the Agency, not published)*

The ground for the record is (tick the relevant one):

- Regularization of a data processing operation already carried out*
- Record of a new data processing operation prior to its implementation*
- Change of a data processing operation*
- Migration from notification to record.*

Processing of personal data in the context of criminal investigations conducted by EPPO	
1	Last update of this record (where applicable) N.A.
2	Short description of the processing To exchange information under the conditions laid down in the Working Arrangement and its annexes between the EPPO and the Executive Agencies on the reporting by EACEA to the EPPO of any suspicions of criminal conduct in respect of which the EPPO could exercise its competence and/or supporting the EPPO by contributing on a need-to-know basis to the investigations carried out by the EPPO by providing relevant information.
Part 1 - Article 31 Record	
3	Name of the Controller Unit(s) and/or function of person acting on behalf of the Controller The controller is the EUROPEAN EDUCATION AND CULTURE EXECUTIVE AGENCY (EACEA), represented by its director.

	<p>For organisational reasons, the role of the controller has been entrusted by the Director to the delegated controller and is exercised by the EACEA <i>Head of Unit, R2, Budget and Control</i>. The controller may be contacted via the functional mailbox: EACEA-R2-ANTI-FRAUDE@ec.europa.eu</p> <p>Postal address: Education Audiovisual and Culture Executive Agency, Avenue du Bourget 1, BOUR, BE-1140 Brussels</p>
4	<p>Contact details of the Data Protection Officer (DPO)</p> <p>EACEA-data-protection@ec.europa.eu</p>
5	<p>Name and contact details of joint controller (where applicable)</p> <p>N.A. EPPO and EACEA are separate controller.</p>
6	<p>Name and contact details of processor (where applicable)</p> <p>N.A.</p>
7	<p>Purpose of the processing</p> <p>To exchange information under the conditions laid down in the Working Arrangement and its annexes¹: between the EPPO and the Executive Agencies. This includes the reporting by EACEA to the EPPO of any suspicions of criminal conduct in respect of which the EPPO could exercise its competence and/or supporting the EPPO by contributing on a need-to-know basis to the investigations carried out by the EPPO by providing relevant information.</p>
8	<p>Description of the categories of data subjects</p> <p>Whose personal data are being processed?</p> <p><input checked="" type="checkbox"/> EACEA staff (Contractual and temporary staff in active position)</p> <p><input type="checkbox"/> Visitors to EACEA</p> <p><input checked="" type="checkbox"/> Contractors providing goods or services</p> <p><input checked="" type="checkbox"/> Applicants</p> <p><input checked="" type="checkbox"/> Relatives of the data subject</p> <p><input checked="" type="checkbox"/> Complainants, correspondents and enquirers</p> <p><input checked="" type="checkbox"/> Witnesses</p> <p><input checked="" type="checkbox"/> Beneficiaries</p> <p><input checked="" type="checkbox"/> External experts</p> <p><input checked="" type="checkbox"/> Contractors</p> <p><input checked="" type="checkbox"/> Other, please specify whistle-blowers, informants, EACEA interns and interim staff, national investigators, prosecutors, judges, etc.</p>

¹ Working Arrangement establishing the modalities of cooperation between the European Climate, Infrastructure and Environment Executive Agency (CINEA), the European Education and Culture Executive Agency (EACEA), the European Innovation Council and SMEs Executive Agency (EISMEA), the European Research Council Executive Agency (ERCEA), the European Health and Digital Executive Agency (HaDEA) and the European Research Executive Agency (REA), and the European Public Prosecutor's Office (EPPO), Ares(2023)4802878

9	Description of personal data categories
	<p>Indicate <u>all</u> the categories of personal data processed and specify which personal data are being processed for each category (between brackets under/next to each category):</p> <p>a) Categories of personal data:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> in the form of personal identification numbers <input checked="" type="checkbox"/> concerning the physical characteristics of persons as well as the image, voice or fingerprints <input type="checkbox"/> concerning the data subject's private sphere <input checked="" type="checkbox"/> concerning pay, allowances and bank accounts <input checked="" type="checkbox"/> concerning recruitment and contracts <input checked="" type="checkbox"/> concerning the data subject's family <input checked="" type="checkbox"/> concerning the data subject's career <input checked="" type="checkbox"/> concerning leave and absences <input checked="" type="checkbox"/> concerning missions and journeys <input checked="" type="checkbox"/> concerning social security and pensions <input checked="" type="checkbox"/> concerning expenses and medical benefits <input checked="" type="checkbox"/> concerning telephone numbers and communications <input checked="" type="checkbox"/> concerning names and addresses (including email addresses) <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Other: please specify: <ul style="list-style-type: none"> • Data relating to financial aspects (pre-financing, recovery orders, timesheets in order to provide evidence of payments made to beneficiaries or contractors (who are suspected of fraudulent or other illegal activity) or of decision to suspend or terminate such beneficiaries or contractors; • Data contained in reports (interim, final) in case of natural persons (staff members/ representatives/ members of scientific team) in organisations (beneficiaries of grant agreements, etc.) or in case of EACEA staff (probation and evaluation reports...). <p>b) Categories of personal data processing likely to present <u>specific risks</u>:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> data relating to suspected offences, offences, criminal convictions or security measures. <input checked="" type="checkbox"/> data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct) <p>c) Categories of personal data whose processing is <u>prohibited</u>, with exceptions (art. 10): N.A.</p> <ul style="list-style-type: none"> <input type="checkbox"/> revealing racial or ethnic origin <input type="checkbox"/> revealing political opinions <input type="checkbox"/> revealing religious or philosophical beliefs <input type="checkbox"/> revealing trade-union membership <input type="checkbox"/> concerning health <input type="checkbox"/> genetic data, biometric data for the purpose of uniquely identifying a natural person <input type="checkbox"/> concerning sex life or sexual orientation

	d) Specify any additional data or explanatory information on the data being processed, if any: N/A
10	<p>Retention time (time limit for keeping the personal data)</p> <p>Indicate the period of storage:</p> <p>Personal data shall be stored for no longer than is necessary for the achievement of the purposes for which the data were collected or further processed. According to the Common Retention List (CLR) of the European Commission - (SEC(2022)400 the personal data collected (electronic and paper format) and related to this processing will be kept for a maximum period of 5 years after closure of the file (CLR – under point 2.4.9)².</p> <p>For the files on the cooperation of the EACEA with the EPPO in its investigations and for disciplinary procedures regarding an EACEA staff member (CLR-under point 12.4.4), data may be kept for: 15 years after the closure of the file that have given rise to investigations and 5 years after the closure of the files that have not given rise to investigations.</p> <p>Is any further processing for historical, statistical or scientific purposes envisaged? <input checked="" type="checkbox"/> yes no</p> <p>In accordance with the common Commission Retention List and after the ‘administrative retention period’, files concerning relations with the EPPO may be transferred to the Historical Archives of the European Commission for historical purposes. Nonetheless, for cooperation in investigations and disciplinary procedures, all files are eliminated if they have not given rise to investigations at the end of the retention period. For the cases that gave rise to investigations, the sensitive personal data are eliminated in line with the applicable retention period.</p>
11	<p>Recipients of the data</p> <p>Who will have access to the data within the Agency or outside?</p> <p>Inside the Agency:</p> <ul style="list-style-type: none"> - The EACEA Director and the Heads of Department - Authorised members of the Agency staff (i.e. internal controller, DPO, legal officer) - The EPPO correspondent(s) within the Agency <p>Outside the Agency:</p> <ul style="list-style-type: none"> - EPPO case handlers/responsible staff in the EPPO. - Parent DGs and Members of the Steering Committee of the Agency - EPPO correspondents within the European Commission and/or other Executive Agencies - External auditors - OLAF - The EDES Panel referred to in Article 143 of the Financial Regulation <p>In addition, data may be disclosed to public authorities, which are not regarded as recipient in accordance with Union and Member State law. The processing of those data by those public authorities shall comply with the applicable data protection rules according to the purpose of the processing:</p> <ul style="list-style-type: none"> • 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 • IDOC in line with Commission Decision of 12 June 2019 laying down

² SEC(2022)400 – ARES(2022)8801492, 19.12.2022

	<p>general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings - C(2019)4231 and Commission Decision (EU) 2019/165 of 1 February 2019 on the internal rules concerning the provision of information to data subjects and the restriction of certain of their data protection rights in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings</p> <ul style="list-style-type: none"> • The competent Appointing Authority in case of a request or a complaint lodged under Articles 90 of the Staff Regulations • The Internal Audit Service of the Commission within the scope of the tasks entrusted by article 118 of the Financial Regulation and by article 49 of the Regulation (EC) No 1653/2004 • The Court of Auditors within the tasks entrusted to it by Article 287 of the Treaty on the Functioning of the European Union and Article 20, paragraph 5 of Regulation (EC) No 58/2003 • 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 (EU) 2018/172 <p>This transmission is restricted to the information necessary for the legitimate performance of tasks within the competence of the recipient. The recipients of the data are reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.</p>
12	<p>Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?</p> <p>N.A.</p>
13	<p>General description of the technical and organisational security measures</p> <p>The European Commission's IT systems used by the EACEA abide by the Commission's security guidelines. The EACEA must comply with Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.</p> <p>1. Organisational measures:</p> <p>A Corporate Local Informatics Security Officer (C-LISO) is in place. Its role includes supervising the EACEA compliance with the relevant regulations, and the application of security measures recommend by DIGIT.</p> <p>Organisational measures include appropriate access rights and access control. As a rule within the EACEA, access to information systems, the file system or offices are subject to a series of authorisations where the person granting the access is different from the person requesting or authorising the access - except in limited cases of delegation. The responsible person(s) in the unit in charge of this action (processing operation of the current record) collects and places the documents on the secured drives of the Commission. The antifraud folders and outlook mailbox are accessible only to the persons directly in charge of the fraud matters.</p> <p>All EACEA staff are bound by a confidentiality obligation. The "need to know" principle applies in all cases and is regularly reminded at the occasion of trainings or when R2 Antifraud is consulted for a case.</p>

	<p>2. Technical measures:</p> <p>State of the art technical cybersecurity measures are implemented in the corporate systems, according to the security needs. Those measures are in constant evolution.</p>
14	<p>Information to data subjects / Data Protection Notice (DPN)</p> <p>The information on the processing is made available to the data subjects through the DPN published on Intranet and on the EACEA website.</p>