



## Processing of requests for access to documents

### Privacy Statement

The European Education and Culture Executive Agency ("EACEA") is committed to preserving your privacy. All personal data are dealt with in accordance with Regulation (EU) No 2018/1725 on the protection of personal data by the Union institutions, bodies, offices and agencies<sup>1</sup> ("the data protection regulation").

The following Privacy statement outlines the policies by which the EACEA collects, manages and uses the personal data of the concerned individuals within the processing of requests for access to documents.

#### **1. Who is responsible for processing your personal data (data controller)?**

The controller is the European Education and Culture Executive Agency, BE-1049 Brussels  
The person designated as being in charge of the processing operation is:  
the Head of Unit R1 People, Workplace and Communication

Email: [EACEA-INFO@ec.europa.eu](mailto:EACEA-INFO@ec.europa.eu)

#### **2. Which personal data are processed?**

The personal data collected and further processed will include:

1) Compulsory personal data, provided by the applicant in his/her application, submitted in electronic or paper format and necessary to provide the reply to the citizen: name, specific contact details (e-mail and postal address, country of residence), subject of the request (it may contain personal data if it relates to an identified or identifiable natural person);

2) Personal data contained in the documents requested, if released under Regulation (EC) No 1049/2001, as well as in the reply to the application and in related correspondence with the applicant.

Depending on the content of the document requested, sensitive personal data may be concerned.

#### **3. For which purpose do we process your data?**

The purpose of the data processing is to manage, coordinate and reply to requests for access to documents. The purpose of archiving is for the preservation and retrieval of important information,

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<sup>1</sup> 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 Text with EEA relevance, OJ L 295, 21.11.2018, p. 39.

especially in cases where further follow up is required in the frame of an enquiry of the European Ombudsman or the proceeding before the EU Court.

#### **4. Who has access to your personal data and to whom is it disclosed?**

The personal data received can be accessed by EACEA R1 and B4 via the EACEA-INFO Functional Mailbox. Further, access to your personal data may be given on a need-to know basis to the following recipients:

- Designated staff of EACEA such as Head of Unit R1, Document Management Officer, operational units and department concerned by the documents requested, Business Processes & Data Intelligence team (Unit B4), Legal team (unit B4), Director, Head of Departments;
- Authorised staff of the European Commission or other Executive Agencies services if the request concerns documents of the European Commission or Executive Agency where the contribution from or re-attribution between them is necessary.

In addition, in case of control or dispute, personal data can be shared with and processed by the bodies charged with a monitoring or inspection task in application of Union law in compliance with the applicable data protection rules and within the scope of their tasks entrusted by the relevant legislation. This includes, in particular, the following recipients:

- 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;
- The European Anti-Fraud Office (OLAF);
- The Internal Audit Service of the Commission
- The Investigation and Disciplinary Office of the Commission (IDOC)
- The European Court of Auditors
- The European Ombudsman
- The European Public Prosecutor's Office
- EU courts and national authorities

EACEA may reply to an applicant requesting access to documents under Regulation 1049/2001 residing in any country outside the EU. Apart from the applicant's own personal data, EACEA only discloses personal data to an applicant residing outside the EU if the conditions for an international transfer of Chapter V of Regulation (EU) 2018/1725 are met.

Since the factual and legal circumstances, including the place of residence of the applicant, are different for each application for access to documents, the application of the appropriate legal basis for the transfer (adequacy decision - Article 47 of Regulation (EU) 2018/1725, application of appropriate safeguards- Article 48.2 and .3, or derogation for a specific situation – Article 50(1)(d) and (g) of Regulation (EU) 2018/1725) has to be assessed on a case-by-case basis.

#### **5. How long do we keep your personal data?**

In accordance with the Common Retention List (SEC(2019)900/3) point 9.6.1, your personal data will be kept for 5 years after the closure of the case in order to ensure consistency in the treatment of initial and confirmatory applications and the correct follow-up to related complaints and court proceedings.

After the 'administrative retention period' of 5 years, files concerning initial applications and confirmatory applications for access to documents (and the personal data contained in them) will be transferred to the Historical Archives of the European Commission for historical purposes.

However, we may keep information identifying you for a longer period for historical, statistical or scientific purposes with the appropriate safeguards in place.

Furthermore, the personal data received via the webforms or via EACEA-INFO email is kept for 1 year, then deleted manually.

## **6. What are your rights concerning your personal data and how can you exercise them?**

Under the provisions of the data protection regulation, you have the right to:

- Request to access the personal data EACEA holds about you;
- Request a rectification of your personal data where necessary;
- Request the erasure of your personal data;
- Request the restriction of the processing of your personal data;
- Request to receive or to have your data transferred to another organization in commonly used machine readable standard format (data portability).

As this processing of your personal data is based on Article 5(1)(a) of the data protection regulation, please note that you have the right to object to processing of your personal data on grounds relating to your particular situation under the provisions of Article 23 of the data protection regulation.

## **7. Your right to have recourse in case of conflict on any personal data issue**

In case of conflict on any personal data protection issue you can address yourself to the Controller at the above mentioned address and functional mailbox.

You can also contact the Data Protection Officer of EACEA at the following email address: [eacea-data-protection@ec.europa.eu](mailto:eacea-data-protection@ec.europa.eu).

You may lodge a complaint with the European Data Protection Supervisor at any time: <http://www.edps.europa.eu>.

## **8. On which legal basis are we processing your personal data?**

In accordance with Article 5(1)(a) of Regulation 2018/1725, the processing is necessary for the performance of a task carried out in the public interest based on Article 15(3) of the Treaty on the Functioning of the European Union and Regulation (EC) No 1049/2001 adopted on the basis thereof and activities entrusted to the Agency by legislation related to procedures for handling requests from citizens for access to documents:

1. 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 programmes (OJ L 11 of 16.01.2003, p. 1).
2. Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.
3. Commission Decision of 5 December 2001 amending its rules of procedure C(2001)3174 (detailed rules for the application of Regulation (EC) 1049/2001).
4. Decision AE/2005/CD03/D-1 final of the Steering Committee of 13 June 2005 adopting rules for the implementation of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to documents – as foreseen by the Article 14 of Commission Decision of 18 December 2013 C(2013)9189 (delegating powers to EACEA with a view to performance of tasks linked to the implementation on Union programmes in the field of education,

audiovisual and culture comprising, in particular, implementation of appropriations entered in the general budget of the Union and of the EDF allocations).