EUROPEAN COMMISSION
European Education, and Culture Executive Agency

RECORD OF PERSONAL DATA PROCESSING

Art. 31 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 nº *04/2022*

In accordance with Article 31 of Regulation 2018/1725, 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.*

Management of student complaints	
1	**Last update of this record (where applicable)**
	Not applicable
2	**Short description of the processing**
	The Erasmus+: Erasmus Mundus Student complaints are submitted by the students through an online form available on the EACEA webpage and/or via external mail (email or letter). The information encoded in e-complaint form is transferred to an Excel table. The students' messages are transferred to the relevant project officer for further treatment and answered through the functional mailboxes EACEA EPLUS ERASMUS MUNDUS and EACEA INTRAAFRICA-INTRAACP. Complaints received via other sources (general mailboxes, project officers, Director courier, Cabinet etc.) are directed towards using the e-complaint form.

	Correspondence introduced via the Director's team or a Commissioner's Cabinet and not through the e-complaint form are registered in ARES. The treatment of such correspondence follows the procedures for treatment of sensitive correspondence applicable to EACEA.
Part 1 - Article 31 Record	
3	**Name of the Controller** **Unit(s) and/or function of person acting on behalf of the Controller**
	Controller: European Education, and Culture Executive Agency Unit(s): Unit A3 Erasmus Mundus, Sport Mailbox: EACEA-EPLUS-ERASMUS-MUNDUS@ec.europa.eu
4	**Contact details of the Data Protection Officer (DPO)**
	EACEA-data-protection@ec.europa.eu
5	**Name and contact details of joint controller (where applicable)**
	NA
6	**Name and contact details of processor (where applicable)**
	NA
7	**Purpose of the processing**
	The student complaint form is used to gather the complaints of the individuals who can be applicants, scholarship holders, persons in the reserve lists, non-scholarship holders who applied for or participated as scholarship holder to the Intra-Africa Academic Mobility Scheme and the Erasmus Mundus Joint Master Degrees/Erasmus Mundus Joint Masters programmes managed by Unit A3. The complaints might concern: - the way their application for a scholarship has been dealt with; - the way their mobility and/or scholarship has been managed. The processing of personal data by the system is necessary for: - The efficient management of the student complaint received at EACEA. - The monitoring of the correct implementation of the Erasmus+: Erasmus Mundus programme and Intra-Africa Academic Mobility Scheme (grant and scholarship management) - Statistics which feed into the political priority-setting and policy initiatives taken by the Commission and are useful to improve students' scholarships. These will only be on categories of complaints (e.g. 'insurance', 'scholarship payment', etc.), not on any personal data. The EACEA might prepare statistical information that only contains anonymous information on the individuals included.
8	**Description of the categories of data subjects**
	Whose personal data are being processed?

	In case data categories differ between different categories of persons, please explain as well (e.g. suspects vs. witnesses in administrative inquiries) ☐ Agency staff (Contractual and temporary staff in active position) ☐ Visitors to the Agency ☐ Contractors providing goods or services ☐ Applicants ☐ Relatives of the data subject ☒ Complainants, correspondents and enquirers ☐ Witnesses ☐ Beneficiaries ☐ External experts ☐ Contractors ☒ Other, please specify Individuals who can be applicants, scholarship holders, persons in the reserve lists, non-scholarship holders who applied for or participated as scholarship holder to the Intra-Africa Academic Mobility Scheme and the Erasmus Mundus Joint Master Degrees/Erasmus Mundus Joint Masters programmes. The complaint can also include personal data of projects beneficiaries involved in the case.
9	**Description of personal data categories**
	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): ***a) Categories of personal data:[1]*** ☐ in the form of personal identification numbers ☐ concerning the physical characteristics of persons as well as the image, voice or fingerprints ☐ concerning the data subject's private sphere: ☐ concerning pay, allowances and bank accounts ☐ concerning recruitment and contracts ☒ concerning the data subject's family: Only if deemed relevant by the complainant, personal and contact information of family members could be added, even if not requested as mandatory nor as optional field in the form. This could involve data such as, partner personal and contact information, children personal and contact information, gender, year of birth ☐ concerning the data subject's career ☐ concerning leave and absences ☐ concerning missions and journeys ☐ concerning social security and pensions ☐ concerning expenses and medical benefits ☒ concerning telephone numbers and communications ☒ concerning names and addresses (including email addresses)* ☒ Other: please specify: Nationality*

[1] Those with an asteriks are mandatory information to be provided at the time of submitting a complaint.

	Data related to the course and scholarship such as, course or project title*, category of scholarships, arrival date in host institution, departure date from host institution, activity. Institution information: such as name of coordinating institution, name of sending/hosting institution, location of the sending/receiving Institution, Institution delivering previous degree, Institutions visited. ***b) Categories of personal data processing likely to present <u>specific risks:</u>*** ☐ data relating to suspected offences, offences, criminal convictions or security measures ☐ data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct) ***c) Categories of personal data whose processing is <u>prohibited</u>, with exceptions (art. 10):*** ☐ revealing racial or ethnic origin ☐ revealing political opinions ☐ revealing religious or philosophical beliefs ☐ revealing trade-union membership ☒ concerning health Some complaints may relate to the insurance scheme of the scholarship holders. In such cases, the Agency might receive information on their health problems and sometimes medical certificates that the complainant submit on a voluntary basis. ☐ genetic data, biometric data for the purpose of uniquely identifying a natural person ☐ concerning sex life or sexual orientation ***d) Specify any additional data or explanatory information on the data being processed, if any:***
10	**Retention time (time limit for keeping the personal data)** The retention period of personal data will follow the Common Commission - Level Retention List for European Commission Files SEC(2019)900, as defined under points 7.1.2 and 7.1.3. • Files relating to grant procedures, including personal data, are to be retained in the service in charge of the procedure until it is finalised, and in the archives for a period of 10 years after the closure of the project. • Until the end of a possible audit if an audit has started before the end of the above mentioned period. • After the period mentioned above has elapsed, the files containing personal data are sampled to be sent to the historical archives of the Commission for further conservation. The non-sampled files are destroyed. **Is any further processing for historical, statistical or scientific purposes envisaged?** ☐ yes ☒ no **If yes, indicate the further retention time:** If the answer is yes, please go to Part 2, Storage and Security for technical safeguards.
11	**Recipients of the data** Who will have access to the data within the Agency or outside?

	Note: no need to mention entities that may have access in the course of a particular investigation/visit/ inspection (e.g. OLAF, EO, EDPS). Authorised staff of the following recipients will have access to the data on a need to know basis only: • EACEA: Authorised Agency staff only (full access) such as: project officers, Head of Sectors and (deputy) head of Unit A3. • European Commission services such as: DG EAC and DG INTPA. • Consortium/partnership benefitting from the grant and managing the scholarships of the complainant. The consortium/partnership benefitting from the grant can be from EU/EEA and non-EU/EEA, depending on the selected coordinator of the grant concerned. Please note that the consortium/partnership can be based anywhere in the world. In case of control or dispute the bodies charged with a monitoring or inspection task in application of Union law (e.g. Internal Audit Service, European Commission, OLAF, EU Courts etc.). In particular, data may be disclosed to public authorities, and processed by these authorities in compliance with the applicable data protection rules according to the purpose of the processing, including inter alia: • The European data protection supervisor • 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 competent Appointing Authority in case of a request or a complaint lodged under Articles 90 of the Staff Regulations; • OLAF in case of an investigation conducted in application of Regulation (EC) No 1073/1999; • 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; • IDOC in line with Commission Decision of 12 June 2019 laying down 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 Internal rules concerning the provision of information to data subjects and the restriction of certain of their data protections rights in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings; • The Court of Auditors within the tasks entrusted to it by Article 287 of the Treaty on the Functioning of the European Union of the EC Treaty 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 Public Prosecutor's Office within the scope of Article 4 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office.No personal data is transmitted to parties which are outside the recipients and the legal framework mentioned. The EACEA will not share personal data with third parties for direct marketing.

12	**Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?**
	International transfer: in order to efficiently handle your complaint, the EACEA can transfer your personal data to the beneficiary consortium/partnership (based outside the EU/EEA) concerned by your complaint, if the data subject has provided its explicit consent under Article 50(1)(a) of the Regulation. In such case, please note that the protection of your personal data will depend on the law and practice of the third country, which might offer a lower level of protection of their personal data compared to the EU legislation, in particular with regard to the risks of legally binding requests from public authorities to the third party following the invalidation of the Privacy Shield.
13	**General description of the technical and organisational security measures**
	The European Commission's IT systems used by the Agency abide by the Commission's security guidelines. The Agency 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. 1. Organisational measures: A Corporate Local Informatics Security Officer (C-LISO) is in place. Its role includes supervising the Agency compliance with the relevant regulations, and the application of security measures recommend by DIGIT. Organisational measures include appropriate access rights and access control. As a rule within the Agency, 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 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 and all Agency staff are bound by a confidentiality obligation. The need to know principle applies in all cases. 2. Technical measures: State of the art technical cybersecurity measures are implemented in the corporate systems, according to the security needs. Those measures are in constant evolution.
14	**Information to data subjects / Privacy Statement**
	The Privacy Statement is made available on the relevant section of the Agency's website: Erasmus Mundus and Intra Africa Academic Mobility programme - Students complaints form (europa.eu). Students using the complaint form must acknowledge having read the privacy statement as a condition to submit their complaint.