



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 n°

007-2020

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.*

Requests for access to documents	
1	Last update of this record (where applicable) The last update of the former notification was made: on 22/11/2012 – Registration n° 2012-13 <ul style="list-style-type: none">Last update of the record: 05/06/2020 – Registration n° Ares(2020)2921242
2	Short description of the processing The purpose of the processing is to ensure the appropriate handling of requests for access to documents by the EACEA lodged under Regulation (EC) No 1049/2001. When handling requests for access to documents, the Agency collects and further processes personal data, via the internal IT application (that serves as a central register processed by the staff responsible for this task), and via e-mails (for the electronic communication carried out internally among the staff and externally with the applicant). This record concerns the handling of initial and confirmatory requests for access to documents lodged under Regulation (EC) No 1049/2001 by Unit EACEA.R1 (initial decision), by the Director (confirmatory decision), the Legal team of the Unit EACEA.B4.002 (for assistance and advice), EACEA.B4.002 Business Processes & Data Intelligence team,

	<p>and the Operational Units (for forwarding received access to documents requests to the relevant functional mailbox and contributing to the requests for access to documents in EACEA).</p> <p>Requests are submitted by applicants in writing via email, letter or through the online forms available on the EACEA website (https://www.eacea.ec.europa.eu/contacts_en). The personal data received can be accessed by EACEA R1 and B4 via the EACEA-INFO Functional Mailbox. If the inquiry concerns a request for access to documents, it will be forwarded to the relevant functional mailbox within EACEA (EACEA-document-management). All follow-up correspondence between EACEA and the access-to-documents requester takes place via EACEA-document-management functional mailbox, which is managed by Unit R1 - DMO Access to documents coordination.</p> <p>The processing operations may involve:</p> <ul style="list-style-type: none"> - Receipt of the request through different channels, - Sending an acknowledgement of receipt to the applicant, - Analysis of the request, including defining the scope, assessing possible disclosure of documents originating from the EACEA or third parties; consultation with third parties, assessing public access to personal data contained in documents, - Taking a decision on the request, - Informing the applicant of the decision to disclose or to refuse the disclosure of documents or information; - Possible receipt of a confirmatory request, - Analysis of the confirmatory request, - Taking a decision on the confirmatory request, - Informing the applicant of the decision on the confirmatory request.
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Part 1 - Article 31 Record

3	<p>Name of the Controller Unit(s) and/or function of person acting on behalf of the Controller</p> <p>Controller: European Education and Culture Executive Agency Unit(s): Head of Unit R1: People, Workplace and Communication</p> <p>EACEA-INFO@ec.europa.eu</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>NA</p>
6	<p>Name and contact details of processor (where applicable)</p> <p>NA</p>
7	<p>Purpose of the processing</p> <p>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, 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.</p>
8	<p>Description of the categories of data subjects</p>

	<p>Whose personal data are being processed?</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Agency staff (Contractual and temporary staff in active position) <input checked="" type="checkbox"/> Visitors to the Agency <input checked="" type="checkbox"/> Contractors providing goods or services <input checked="" type="checkbox"/> Applicants <input checked="" type="checkbox"/> Relatives of the data subject <input checked="" type="checkbox"/> Complainants, correspondents and enquirers <input checked="" type="checkbox"/> Witnesses <input checked="" type="checkbox"/> Beneficiaries <input checked="" type="checkbox"/> External experts <input checked="" type="checkbox"/> Contractors <input checked="" type="checkbox"/> Other, please specify: <p>Categories of persons</p> <ul style="list-style-type: none"> - Any natural person whether acting on behalf of a legal person to submit a request for access to documents or not, - Any natural person whose identity appears on the documents requested. This could include personal data about EACEA staff, staff of other EU institutions or personal data of any other individual.
9	<p>Description of personal data categories</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 checked="" 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 type="checkbox"/> concerning leave and absences <input checked="" type="checkbox"/> concerning missions and journeys <input checked="" type="checkbox"/> concerning social security and pensions <input 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) <p>The data subject must provide a name, an email address and the subject of his/her request when submitting the webform on the EACEA website. More detailed information, if needed, EACEA.R1 may send an email to the requester asking for more detailed information at the later stage via EACEA-DOCUMENT-MANAGEMENT mailbox asking to clarify the request and to send back to EACEA-DOCUMENT-MANAGEMENT mailbox.</p> <p><input type="checkbox"/> Other: please specify: _____</p> <p>List of data categories</p>

	<p>- Name and contact details of the person requesting access to the documents, - Any personal data contained in documents and files covered by the scope of the request.</p> <p>b) Categories of personal data processing likely to present <u>specific risks</u>:</p> <p><input type="checkbox"/> data relating to suspected offences, offences, criminal convictions or security measures</p> <p><input checked="" type="checkbox"/> data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct)</p> <p>c) Categories of personal data whose processing is <u>prohibited</u>, with exceptions (art. 10):</p> <p>The processing operation concerns any 'special categories of data' which fall(s) under Article 10(1), which shall be prohibited unless any of the reasons under Article 10(2) applies</p> <p><input type="checkbox"/> revealing racial or ethnic origin</p> <p><input type="checkbox"/> revealing political opinions</p> <p><input type="checkbox"/> revealing religious or philosophical beliefs</p> <p><input type="checkbox"/> revealing trade-union membership</p> <p><input type="checkbox"/> concerning health</p> <p><input type="checkbox"/> genetic data, biometric data for the purpose of uniquely identifying a natural person</p> <p><input type="checkbox"/> concerning sex life or sexual orientation</p> <p>d) Specify any additional data or explanatory information on the data being processed, if any: _____</p> <p>Depending on the content of the document requested, sensitive personal data may be concerned.</p>
10	<p>Retention time (time limit for keeping the personal data)</p> <p>The personal data received by EACEA via the webforms or via EACEA-INFO email is kept for up to one year. Each file concerning access-to-documents request containing personal data will be kept for 5 years after the closure of the case in accordance with the retention period established in the Common Retention List – SEC(2019)900/3 – under point 9.6.1A for initial applications and point 9.6.1.B for confirmatory applications.</p> <p>Is any further processing for historical, statistical or scientific purposes envisaged?</p> <p><input checked="" type="checkbox"/> yes <input type="checkbox"/> no</p> <p>If yes, indicate the further retention time:</p> <p>In accordance with the common Commission Retention List, 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.</p>
11	<p>Recipients of the data</p> <p>- Designated staff of EACEA such as Head of Unit R1, Document Management Officer, operational units and departments concerned by the documents requested, legal team (Unit B4), Director;</p> <p>- Authorised staff of the European Commission or other Executive Agencies services if the request concerns documents of the European Commission or Executive Agencies</p>

	<p>where the contribution from or re-attribution between them is necessary.</p> <p>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:</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; - 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
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>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.</p> <p>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.</p>
13	<p>General description of the technical and organisational security measures</p> <ul style="list-style-type: none"> - Organisational measures include appropriate access rights and access control. Only designated staff of EACEA is authorised to have access and is involved on a need-to-know basis with a use of personal password when handling a request. <p>Each request is submitted by applicants who can contact the Agency through the web contact forms, which are made available on the EACEA website and are dispatched to the relevant unit responsible for the request. The Privacy Statement is available here.</p> <ul style="list-style-type: none"> - Technical measures include the use of secure IT-tools (including secure connections, firewalls, etc.). <p>The Agency's IT systems 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. In this context, a specific 'Information Security Technology Plan' is reviewed annually with a view to describe the implementation of the above rules and guidelines in EACEA. The procedures set out in the document must be applied to the Agency's IT systems to ensure the security of the stored data and they are based on the European Commission's standards on security. The Server Rooms of the Agency are equally protected and locked.</p>
14	<p>Information to data subjects / Privacy Statement</p> <p>EACEA-EUROPA Internet (available to the public), which includes Privacy Statement: https://www.eacea.ec.europa.eu/about-eacea/document-register/access-eacea-documents_en</p>

