



Data Protection Notice

Follow-up by the Agency of European Ombudsman inquiries

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 agencies¹ ("the data protection regulation").

The following Data Protection Notice outlines the policies by which the EACEA collects, manages and uses the personal data of the concerned individuals within the follow-up by the Agency of European Ombudsman inquiries.

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

EACEA B4 - Operational Support and Business Processes
North Light Building (SB34)
Boulevard Simon Bolivar 34
BE – 1049 Brussels

The person designated as being in charge of the processing operation is the Head of Unit B4 Operational Support and Business Processes

Email : EACEA-OMBUDSMAN@ec.europa.eu

2. Which personal data are processed?

- 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.

¹ 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.

3. For which purpose do we process your data?

The purpose is to handle inquiries transmitted to the Agency by the European Ombudsman's office in the framework of investigations into possible cases of maladministration.

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

Access to the data will be given only on a need to know basis to:

- 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 Executive Agencies, where applicable.

In the framework of a particular inquiry, personal data can be shared with and processed by bodies that are not regarded as recipients but are 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 Public Prosecutor's Office
- the European Data Protection Supervisor.
- National authorities

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 data protection regulation are met.

Since the factual and legal circumstances, including the place of residence of the complainant, are different for each case, the application of the appropriate legal basis for the transfer (adequacy decision - Article 47 of the data protection regulation, application of appropriate safeguards- Article 48.2 and 3 of the data protection regulation, or derogation for a specific situation – Article 50(1)(d) and (g) of the data protection regulation) has to be assessed on a case-by-case basis.

5. How long do we keep your personal data?

5 years after closure of the file in accordance with the retention period established in the 2022 Common Commission Retention List.

In accordance with the Common Commission 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.

The data processed may be used in judicial proceedings, if needed (this re-purposing is based on Union laws and is subject to separate record and data protection notice).

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;

As this processing of your personal data is based on point of 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.

Article 25 of the data protection regulation provides that, in matters relating to the operation of EU institutions and bodies, the latter can restrict certain rights of individuals in exceptional circumstances and with the safeguards laid down in that Regulation. Such restrictions are provided for in internal rules adopted by EACEA and published in the [Official Journal of the European Union \(https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021Q0317%2801%29\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021Q0317%2801%29).

Any such restriction will be limited in time, proportionate and respect the essence of the above-mentioned rights. It will be lifted as soon as the circumstances justifying the restriction are no longer applicable. You will receive a more specific data protection notice when this period has passed.

As a general rule, you will be informed on the principal reasons for a restriction unless this information would cancel the effect of the restriction as such.

You have the right to make a complaint to the EDPS concerning the scope of the restriction.

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.

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?

The legal basis for the processing based on Article 5(1) of the data protection regulation are:

- (a) 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 Union institution or body (to be laid down in Union Law);
- (b) processing is necessary for compliance with a legal obligation to which the controller is subject (to be laid down in Union Law):
 - 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 programmes;
 - ii) Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Education and Culture Executive Agency;

iii) Commission Decision C(2021)951 of 12 February 2021 delegating powers to the European Education and Culture Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of education, audiovisual and culture, citizenship and solidarity;

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