



Management of student complaints

Data Protection Notice

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 management of student complaints.

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 A3 - Erasmus Mundus, Sport.

Mailbox: EACEA-EPLUS-ERASMUS-MUNDUS@ec.europa.eu

2. Which personal data are processed?

Categories of personal data:

- (mandatory) concerning names and addresses (including email addresses)
- (mandatory) Nationality
- (mandatory) Data related to the course and scholarship such as, course or project title: e.g. category of scholarships, arrival date in host institution, departure date from host institution, activity.

Optional personal data:

- concerning the data subject's family: Only if required (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 telephone numbers and communications;
- 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 (in so far as applicable; as optional information).
- concerning health: complaints may relate to the insurance scheme of the scholarship holders. In such cases, the Agency might receive information on their health problems and

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.

sometimes medical certificates that the complainant submits or if it is requested in the handling of the complaint (based on consent).

3. For which purpose do we process your data?

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. No further processing for historical, statistical or scientific purposes is envisaged.

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

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 in principle be based anywhere in the world.
 - o For Erasmus Mundus, the list of projects offering scholarships (including the project locations) is published here: [Erasmus Mundus Catalogue \(europa.eu\)](https://europa.eu/erasmus-mundus-catalogue).
 - o For Intra-Africa, the list of project coordinators (including the country where they are based) is published here: [Intra-Africa Scholarships \(europa.eu\)](https://europa.eu/intra-africa-scholarships).

International transfer: please note that, in order to efficiently handle your complaint, the EACEA can transfer the complaint's personal data to the beneficiary consortium/partnership (based outside the EU/EEA) concerned by the complaint, if he/she has provided prior 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.

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 addition, 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.

5. How long do we keep your 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.

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).

In view of the principle of data minimisation, the complainant is advised to provide only information which is relevant to the subject matter of the complaint and to avoid unnecessary and irrelevant detail, especially if it includes third parties' personal data.

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.

In principle, EACEA can share the complaint including its personal data with the coordinator/consortium (based in the EU/EEA) of the grant managing the scholarship subject to the complaint, solely for the purpose of handling it. However, the complainant has the possibility to request that the complaint and its personal data is not shared with the coordinator/consortium (based in the EU/EEA) of the grant managing the scholarship based on justified reasons.

If the complainant submits personal data of third parties in its complaint and EACEA processes/uses them when dealing with the complaint, EACEA will inform these third parties as per article 16 of the EUDPR.

In addition, as this processing of your personal data is based on your consent Article 10(2)(a) and 50(a) of the data protection regulation, please note that you can withdraw it at any time, and this will have effect from the moment of your retraction. The processing based on your consent before its withdrawal will remain lawful.

Article 25 of Regulation (EU) 2018/1725 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>).

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?

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) – article 5(1)(a) of the EU DPR. See a list of the applicable legal basis below:

- *Commission Implementation Decision (2021/173/EU) establishing the European Education and Culture Executive Agency;*
- *Commission Decision C(2009) 3355 of 6 May 2009 delegating powers to the Education, Audiovisual and Culture Executive Agency with a view to the performance of tasks linked to implementation of the Community programmes in the fields of education, audiovisual and culture, comprising in particular implementation of appropriations entered in the Community budget: Articles 4 and 6.*
- *The Commission Decision C(2021)951 and its annexes delegating powers to EACEA for the management of programmes in the MFF 2021-2027.*
- *Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities: in particular Article 109 and Articles 114-116 on the award procedure for grants.*
- *COMMISSION REGULATION (EC, EURATOM) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 357, 31.12.2002, p. 1), as subsequently amended ('Implementing Rules'): in particular Articles 173-178.*
- *Decision No 1298/2008/EC of the European Parliament and of the Council of 16 December 2008 establishing the Erasmus Mundus 2009-2013 action programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (OJ L 340, 19/12/2008).*
- *Regulation (EU) N° 1288/2013 of the European Parliament and of the Council of 11.12.2013 establishing 'Erasmus+': the Union programme for education, training, youth and sport (OJ L347, of 20.12.2013).*
- *Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013.*
- *Commission implementing Decision C(2015) 7705, of 13 November 2015 on the Annual Action Programme 2015 for the Pan-African Programme to be financed from the general budget of the European Union, Annex 5.*
- *Commission implementing Decision C(2016) 4513, of 19 July 2016, on the Annual Action Programme 2016 for the Pan-African Programme to be financed from the general budget of the European Union, Annex 1.*
- *Commission Implementing Decision C(2018)7378 of 30 October 2018 - on the Annual Action Programme 2018 for the Pan-African Programme, Annex 5 (for Intra-Africa Academic Mobility Scheme)*

In addition, the data subject has given consent to the processing of his or her personal data for one or more specific purposes.

Art. 10(2)(a) the data subject has given consent to the processing of his or her personal health data for one or more specific purposes:

- Processing of health related personal data and the handling of the related complaint

Art. 50(1)(a) the data subject has given explicit consent to the transfer of their data included in the complaint with recipients based outside of the EU/EEA, for the purpose of handling of the related complaint.