



## Data Protection Notice

### Handling requests for access to documents lodged under Regulation (EC) No 1049/2001

In accordance with Regulation (EU) 2018/1725 of 23 October 2018 on data protection (hereinafter the Regulation), the European Climate, Infrastructure and Environment Executive Agency (hereafter CINEA) collects your personal data only to the extent necessary to fulfil the precise purpose related to its tasks.

1. The **controller** is:
  - a. CINEA
  - b. Person responsible for the processing: the Head of Unit A.2 Legal Affairs, External audits and Administrative Finance (for initial applications) and the Director (for confirmatory applications)
  - c. Email: [CINEA-ACCESS-DOCUMENTS@ec.europa.eu](mailto:CINEA-ACCESS-DOCUMENTS@ec.europa.eu)
2. The **purpose of the processing** is:

handling requests for access to documents lodged under Regulation (EC) No 1049/2001 within the prescribed legal deadlines. The personal data may be processed further if applicable to allow preservation and retrieval of relevant information where follow-up is required on these requests such as in case of an inquiry by the European Ombudsman or in case of court proceedings.
3. The **data subjects** concerned by this notice are :
  - Any natural person who submits a request for access to documents, whether acting on behalf of a legal person or not,
  - Any natural person whose identity appears on the requests for access to documents submitted by applicants or on the documents requested. This could include personal data about CINEA staff, staff of other EU institutions or personal data of any other individual (applicants, beneficiaries, contractors, external experts etc).
4. The **categories of personal data** collected and used for the processing operations are:
  - a) Personal data, provided by the applicant, via the online form:
    - i. Compulsory data: Name and contact details (e.g.: e-mail address, etc), subject of the request (it may contain personal data in case it relates to an identified or identifiable natural person);
    - ii. Non-compulsory data to facilitate the process: country of residence, telephone number.
  - b) Personal data, which the applicant provided in his/her application, submitted in another electronic or paper format;
  - c) Personal data contained in the documents requested: this data is released if it does not undermine the protection of privacy and integrity of individuals in line with the EU legislation on data protection as provided for by Regulation (EC) No 1049/2001, as well as in the reply to the application and in related correspondence with the applicant. (Most personal data in documents provided in replies to access to documents requests are usually redacted in application of Article 4.1(b) of Regulation (EC) No 1049/2001).
  - d) When there are reasonable doubts concerning the identity of the natural person making the request, CINEA may ask the applicant to provide a copy of an

identification document (for example, a passport or identity card) in order to verify his/her identity, in the following exceptional circumstances:

- i. where the documents concerned by the request contain the applicant's own personal data and the applicant is granted individual access to such documents;
- ii. where there are legitimate reasons to consider that the right to access stemming from Regulation (EC) No 1049/2001 is being abused by that particular applicant.

The identification document should contain the applicant's name and, if applicable, his/her postal address, while any other data such as a photograph or any personal characteristics may be blacked out.

5. The **recipients** of the data:

All recipients are on a "need to know" basis:

- The CINEA staff designated to handle access to documents requests (e.g. Document Access Coordinator, Legal Affairs Sector, Head of Unit A.2, Operational/Administrative Unit and Head of Department concerned by the documents requested, Director, etc);
- Authorised staff of the European Commission or other Executive Agencies, when the request concerns documents where contribution from or re-attribution between them is necessary
- In case of audits or proceedings, etc., CINEA's Internal Controller, Data Protection Officer, etc.

In addition, data may be disclosed to public authorities in accordance with Union and Member State law such as 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, Investigation and Disciplinary Office of the European Commission (IDOC), the competent Appointing Authority in case of a request or a complaint lodged under Articles 90 of the Staff Regulations, European Anti-Fraud Office (OLAF), the Internal Audit Service of the Commission, the Court of Auditors, the European Ombudsman, the European Data Protection Supervisor and the European Public Prosecutor's Office .

CINEA may reply to an applicant requesting access to documents under Regulation (EC) No 1049/2001 residing in any country outside the EU. Apart from the applicant's own personal data, CINEA only discloses personal data if the request does not fall under the exemption of Article 4.1 (b) of Regulation (EC) No 1049/2001. Moreover, the disclosure of personal data to an applicant residing outside the EU is done if the conditions for an international transfer of Chapter V of the Regulation.

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, application of appropriate safeguards, or derogation for a specific situation) will be assessed on a case-by-case basis.

6. **Data Subjects rights:**

- You have the right at any time to access, rectify, erase ('right to be forgotten') your personal data or to request for the restriction of it processing;
- You are also entitled to object to the processing of your personal data on grounds relating to your particular situation at any time unless CINEA demonstrates compelling and overriding legitimate grounds or in case of legal claims;

You can exercise your rights by sending an email with the requested change(s) to the controller via the functional mailbox indicated here-above in Section 1.

In any cases your data will be modified or removed accordingly and as soon as practicable (within a week of receiving the request).

However, in line with Article 25 of the Regulation, the data controller may restrict the rights of the data subjects based on the [Decision of the Steering Committee \(2020\) 26 of 14/10/20 \(OJEU L 45 on 9.2.2021, p. 80\)](#), in case where such restriction constitutes a measure necessary to safeguard the protection of the data subjects or the rights and freedoms of other data subjects, etc.

**7. How does CINEA protect and safeguard your data?**

Relevant organisational and technical measures are taken by the Agency to ensure the security of your personal data. Access to your data is restricted on an individual need to know basis and through User-ID and password and can be accessed via authentication system. Your data resides on the servers of the European Commission, which abide by strict security measures to protect the security and integrity of the relevant electronic assets. CINEA is also bound by Commission Decision 2017/46 of 10/1/17 on the security of communications & information systems in the EC.

The processing of your data will not include automated decision-making

**8. The legal basis of the processing are:**

a) the 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 Agency;

b) the processing is necessary for compliance with a legal obligation to which the controller is subject:

- 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<sup>1</sup>;
- ii) Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, and repealing Implementing Decisions 2013/801/EU<sup>2</sup>;
- iii) Commission Decision C(2021)947 of 12 February 2021 delegating powers to the European Climate, Infrastructure and Environment Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of transport and energy infrastructure; climate, energy and mobility research and innovation; environment, nature and biodiversity; transition to low-carbon technologies; and maritime and fisheries;
- iv) 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<sup>3</sup>;
- v) Commission Decision of 5 December 2001 amending its rules of procedure C(2001)3174 (detailed rules for the application of Regulation (EC) 1049/2001);
- vi) Decision SC (2008)001 of the TEN-EA Steering Committee of 30 September 2008 laying down detailed rules for the implementation of Regulation (EC) 1049/2001 of the European Parliament and of the Council regarding public access to documents;

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<sup>1</sup> OJ L 11 of 16.01.2003, p. 1

<sup>2</sup> OJ L 50, 15.2.2021, p. 9–28

<sup>3</sup> OJ L 145/43, 31.5.2001, p. 43-48

vii) Decision 2010/0/T4 of appoints the TEN-T EA Document Access Coordinator.

9. The **time limits for keeping** the data are the following:

In accordance with the 2019 Retention List of the Commission:

- file containing personal data will be kept for 5 years after the closure of the case;
- In case an identification document is requested, it will be immediately deleted after its verification

These files, especially confirmatory applications, may be transferred after the expiry of the retention period to the Historical Archives of the European Commission for historical purposes : in such case, files concerning initial applications or accessory information will be eliminated.

**10. Contact information**

In case you have any questions about the collection/processing of your personal data, you may contact the data controller who is responsible for this processing activity by using the email address mentioned here above in Section 1

You may contact at any time the Data Protection Officer of the Agency ([CINEA-DPO@ec.europa.eu](mailto:CINEA-DPO@ec.europa.eu)). You have the right to have recourse at any time to the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)).