



## **LEGAL PROCEEDINGS**

### **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 agencies<sup>1</sup> ("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 Legal Proceedings.

#### **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 B.4 – operational support and business processes: [EACEA-LEGAL-ADVICE@ec.europa.eu](mailto:EACEA-LEGAL-ADVICE@ec.europa.eu)

#### **2. Which personal data are processed?**

The following categories of personal data may be processed:

- Data in the form of personal identification numbers;
- Data concerning the physical characteristics of persons as well as the image, voice or fingerprints;
- Data concerning the data subject's private sphere;
- Data concerning pay, allowances and bank accounts;
- Data concerning recruitment and contracts;
- Data concerning the data subject's family;
- Data concerning the data subject's career;
- Data concerning leave and absences;
- Data concerning missions and journeys;
- Data concerning social security and pensions;
- Data concerning expenses and medical benefits;
- Data concerning telephone numbers and communications;
- Data concerning names and addresses (including email addresses);
- Any data related to the context of litigation cases such as case involvement data or in certain cases, data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct).

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<sup>1</sup> 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.

The processing operation may concern special categories of personal data which may be either sporadic (Court cases) or may be incidental to the activity of litigation (e.g., health related data, data revealing racial/ethnic origin, political opinions or religious/philosophical beliefs or trade-union membership or data concerning sexual orientation, etc.)

Special categories of data is processed pursuant to Article 10(2) f of the Regulation : The data being processed may also contain, for court cases only, sensitive data, which fall under Article 11 of the Regulation on “criminal convictions and offences”, in case for instance when the litigation may concern criminal cases: this is carried out only under the control of the relevant authority and is authorised by the relevant Union law with appropriate safeguards.

### **3. For which purpose do we process your data?**

Your personal data is processed when dealing with legal proceedings where EACEA is party (applicant or defendant)/intervener before EU and national jurisdictions (e.g.: criminal cases as a civil party, contractual litigations or in enforcement proceedings aiming at recovering EU claims against debtors).

It is also processed for the legality review procedure: when the legality of acts adopted by EACEA are challenged by a complainant to the European Commission (parent DG’s).

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

The following persons have access to your personal data:

- Agency’s authorised staff in charge of handling or involved in the legal proceedings (Legal Team in EACEA.B.4, Staff involved in the management of the case, Management, Director, etc.).
- Authorised staff in the European Commission's services and other Executive Agencies, where applicable. These services may need to be consulted on the cases, notably the parent-DGs involved, the Legal Service and if necessary, any other DG or Agency involved in the file concerned by the legal proceedings (e.g. in case of joint cases)
- External lawyers if they assist the Agency in the litigation proceeding.
- Where appropriate, any relevant other parties and interveners/participants to the proceedings.

In addition, in case of control or audit, 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:

- For Article 22 cases: 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 national authorities.

Transfer of personal data to third countries may occur in case the EU citizen, who is party to the proceedings resides outside EU and in case the proceedings are under the jurisdiction of a national court/other jurisdiction outside the European Union/EEA. Such a transfer is done only if the conditions for an international transfer of Chapter V of the Regulation are met.

Since the factual and legal circumstances, including the place of residence of parties to the proceedings, are different for each case, the application of the appropriate legal basis for the transfer may be adequacy decision - Article 47 of the Regulation, application of appropriate safeguards- Article 48.2 and .3, International Agreement – Article 49 of the Regulation, or derogation for a specific situation –Article 50(1)(d), (e), etc. of the Regulation, and is to be assessed on a case-by-case basis.

## **5. How long do we keep your personal data?**

Your data is kept 5 years after closure of the case in accordance with the retention period established in the 2022 Common Retention of the European Commission. A file is considered closed when the outcome of the legal proceeding has become final (not more subject to appeal before any jurisdictions).

Further processing for historical, statistical or scientific purposes is envisaged. In accordance with the common Commission Retention List and after the ‘administrative retention period’ of 5 years, files are transferred to the Historical Archives of the European Commission for historical purposes.

## **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).

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 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 on any personal data issue**

In case of question or issue with your personal data, 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](mailto: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?**

Your personal data is processed on the basis of Article 5(1)(a) and/ or b of the Regulation, namely:

- 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 (including processing of personal data necessary for the management and functioning of the Union Institutions or bodies [Recital 22 of the Regulation] )
- processing is necessary for compliance with a legal obligation to which the controller is subject

In certain cases, processing of special categories of data is also necessary for the establishment, exercise or defence of legal claims or whenever the Court of Justice of the European Union is acting in its judicial capacity and is based on Article 10 (2) (f) of the Regulation

The following legal basis apply to the processing of your data:

- 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;
- Commission Implementing Decision (EU) 2022/219 of 11 February 2022 establishing rules of procedure for the review, pursuant to Article 22(1) of Council Regulation (EC) No 58/2003, of the legality of acts of executive agencies which injure a third party and have been referred to the Commission by any person directly or individually concerned.
- 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);
- The Commission Implementing Decision (EU) 2021/173 establishing the European Education and Culture Executive Agency;
- The Commission Decision C(2022)5057 and its annexes delegating powers to EACEA for the management of programmes in the MFF 2021-2027, amended by the Commission Decision C(2022) 9296 and its annexes and the Commission Decision C(2022)4617 and its annexes;
- REGULATION No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community.