



EUROPEAN COMMISSION

European Climate, Infrastructure and Environment Executive Agency

### **Data Protection Notice**

#### **for processing personal data during evaluation of project proposals for the Innovation Fund Programme**

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 CINEA:

- a. Unit C4 – Innovation Fund
- b. Person responsible for the processing: the Head of Unit
- c. Email: [CINEA-Innovationfund-calls@ec.europa.eu](mailto:CINEA-Innovationfund-calls@ec.europa.eu)

2. The **purpose of the processing** is:

The purpose of the processing is to enable CINEA to ensure the management and administration of evaluation procedures relating to the EU funded Innovation Fund programme for which the implementation is entrusted to the Agency. This concerns processing of personal data which are necessary for CINEA for such a management and fall outside the scope of the [Funding and tenders opportunities portal of the European Commission](#), which is covered under a specific data protection notice.

3. The **data subjects** concerned by this notice are

Proposals submitted by natural persons are not eligible under the Innovation Fund programme. Hence, the personal data handled under this processing concern mainly the data relating to the natural persons (data subjects) who are the legal representatives and/or the contact persons of the entities involved in the grant award procedure (applicants, selected beneficiaries, coordinators, affiliated entities, subcontractors, etc...). Data subjects may also be of the staff involved in the project and for whom personal data relating to expertise and technical skills are included in the project proposals.

4. The **categories of personal data** collected and used for the processing operations are:

- Names;
- Function;
- Contact details (e-mail address, business telephone/GSM numbers fax number, business postal address, company and department, country of business, internet address);
- Expertise & technical skills, which are included in the proposals as regards the staff involved in the project (e.g.: languages, educational background, professional experience, etc.).

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

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

- CINEA Services in charge of the evaluation process under the Innovation Fund programme and in case of review and/or proceedings, etc. its internal controller, legal service, DPO, etc. ;
- Staff of the relevant unit(s) of the Parent DG(s) (e.g. DG CLIMA) and of the Joint Research Centre of the European Commission (JRC) in charge of the Innovation Fund programme;
- The Translation Service of the Commission if the application is not provided in English by the applicant and translation has to be requested by the Agency;
- External contractors supporting the Parent DG(s) in programme implementation tasks;
- The European Investment Bank (EIB) for the purpose of Project Development Assistance (PDA);
- External experts in charge of evaluating project proposals;
- In addition, data may be disclosed to public authorities such as for instance the below ones, which may not be regarded as recipient in accordance with Union and Member State law. The processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purpose of the processing:
  - o Bodies in charge of a monitoring or an inspection task in application of Union law (e.g. internal audit, IAS, Court of Auditors, etc.);
  - o 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;
  - o OLAF in case of an investigation conducted in application of Regulation (EC) No 1073/1999;
  - o 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;
  - o The European Data Protection supervisor in accordance with Article 58 of the Regulation (EC) 2018/1725;
  - o 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;

6. **Data Subjects rights:**

- You have the right at any time to access, rectify, erase ('right to be forgotten') your personal data;
- You are also entitled to object to the processing or request for the restriction of the processing.

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. (maximum within 5 working days).

However, these rights can be restricted in line with Decision SC (2020) 26 of the INEA Steering Committee of 14 October 2020 on internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data and exercised only at certain points in time and under the conditions as provided for in the relevant procedures (e.g. before the submission deadline) . This is to safeguard the rights of other data subjects and to respect the principles of equal treatment among applicants and the secrecy of deliberations.

Right of rectification may only apply to factual data and as long as this remains in line with the Financial Regulation.

In order to grant or not the data subjects rights, the Agency will carry out a case-by-case assessment of each individual request and give the reasons underlying its decision, considering the type of information held and whether any exceptions of the Internal Rules are applicable.

The restrictions will continue applying as long as the reasons justifying them remain applicable and may be lifted if these reasons would no longer apply, if the exercise of the restricted right would no longer negatively impact the applicable procedure or adversely affect the rights or freedoms of the data subjects .

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

Access to your data is restricted on an individual need to know basis and through User-ID and password. 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 (Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission).

Where applicable paper files are stored in lock cupboard and destroyed when no longer needed.

Access rights and controls are secured via the ECAS (European Commission Authentication Service) granted to persons authorised to get access to specific documents (call management, grant management, etc.). All stakeholders involved in the evaluation and granting process are reminded to use the personal data received only for the purpose for which they were transmitted and not to retain any irrelevant and excessive data received with the proposals .

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

Article 5.1. a) of the Regulation (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), due to the following legal grounds:

- 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;
- Regulation (EC) n° 1653/2004 of 21 September 2004 on a standard Financial Regulation for the executive agencies pursuant to Council Regulation (EC) n° 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programme;
- Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and

Culture Executive Agency and repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU;

- 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;
- Regulation 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, repealing Regulation No 966/2012;
- Commission delegated Regulation (EU) 2019/856 of 26 February 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council with regard to the operation of the Innovation Fund;
- Commission Decision C(2020) 4352 of 2 July 2020 on the activities related to the Innovation Fund, serving as a financing decision and as a decision launching the first call for proposals in 2020
- Commission Decision C(2020) 8188 of 1 December 2020 amending Decision C(2020) 4352 of 2 July 2020 as regards the launch of the call for proposals for small-scale projects in 2020.

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

In accordance with the 2019 Retention List of the Commission:

- For beneficiaries receiving EU funding, personal data is retained for 10 years after the end of the year following closure of the action.
- For unsuccessful applicants, personal data is retained for up to 5 years after the closure of the call for which the data have been collected or updated.
- For calls with multiple cut-off dates, personal data is retained for up to 5 years after the date of the cut-off following the submission of the proposal.
- In case updates are made to the personal data of legal entities' representatives, the data will be kept for 5 years after their last update.

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)).