

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1203

(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 22/11/2013

CASE NUMBER: 2013-1306

INSTITUTION: REA

LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Research Executive Agency (REA)
COV2
B-1049 BRUSSELS
BELGIUM

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

For organisational reasons, the role of the data controller is exercised by Mr Gilbert GASCARD (REA Director).

GASCARD Gilbert
gilbert.gascard@ec.europa.eu
COV2 18/132
Tel: 50017

Processors

Under the framework of FP7, the support for the proposal evaluation (which is part of the processing operation of grants award and management in the REA) is performed by a service provider (Numen - ESS-Evaluation Support Services) which is also in charge of managing the electronic evaluation tool (RIVET). The recourse to this external service provider is scheduled to phase out as of December 2013. The contractor acts only on instructions from the respective data controller and does not use

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

the data for any other purpose than strictly for the performance of the tasks requested by the data controller.

In terms of confidentiality, the contractor is bound by the respective terms of the contract (Article 9 paragraphs 3 and 4) No FP7-ESS/2006/1 signed with the European Commission. For Horizon 2020 (from 2014), this process will be managed by the Commission without the involvement of an external contractor.

The evaluation of research and innovation proposals and the review of research and innovation projects are performed, on behalf of the REA, by external expert evaluators and reviewers. They act only on instructions from the REA and do not use the data for any purpose other than strictly for the performance of the tasks requested by the REA. An Appointment Letter (AL) is the agreement between an independent expert and the REA which is concluded prior to the beginning of the assignment (review, evaluation, observation, etc.). As soon as the expert receives the AL from the Agency, he/she is asked to date and sign the declaration on confidentiality and no-conflict of interest. The processing operation involving personal data in the context of registration, selection and management of experts by the REA is covered by a separate notification (REA-DPN-2013-05 - Registration, Selection and Management of Experts by the REA) pursuant to article 25 of Regulation (EC) No 45/2001.

Processors include also contractors who run IT systems on behalf of the European Commission throughout the processing operation (shared with the REA) of grants award and management. They act only on instruction from the data controller and undertake to adopt appropriate technical and organisational security measures having regard to the risks inherent to the processing and nature of the personal data concerned. The respective operations that these IT contractors support are included in the notification of the Directorate-General for Research and Innovation (DG RTD) n° DPO-978.6 "Collection and processing of data submitted by proposal Applicants / project Participants / Organisations and Experts in the context of Framework Programmes and other Programmes and Initiatives managed by the Directorate-General for Research and Innovation (DG RTD)".

3/ NAME OF THE PROCESSING

Grants award and management by the REA

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose of the processing operation of grants award and management in the REA is to ensure, in a transparent and effective manner, that the best proposals are selected for funding and to issue a grant agreement that will serve as a sound base for the successful project execution.

The processing operation covers the following activities:

- The evaluation of proposals submitted for funding under programmes fully delegated to the REA (i.e. where the REA is in charge of the full project life-cycle) with the help of external evaluators;

- Support DG RTD in the supervision of the work of the contractor (ESS) in managing the evaluation processes for all FP7 programmes (i.e. not only those fully delegated to the REA) and support to DG RTD in managing the central evaluation space in Brussels;
- Manage the evaluation review (Redress I) procedure for projects evaluated by the REA (checking, following a complaint lodged by an applicant about an unsuccessful proposal, if there have been procedural shortcomings in the handling of the eligibility checking and evaluation that may have jeopardised the decision whether or not to fund the proposal);
- The management of projects fully delegated to REA;
- Ensure that, following a complaint from a coordinator/participant about the Agency's decision to terminate the project/participation, the Agency guarantees a good administration of research projects by taking duly informed and justified decisions (Redress II procedure).

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Natural persons in organisations (Applicants or Participants) who request or receive funding from the Research Framework Programs for proposals/projects.

Particularly the data subjects are:

- The Project Coordinators (leader or principal investigator (PI));
- The authorised representatives and the contact persons of the beneficiaries (public entities, private companies etc.);
- Members of the scientific team of the project which receives funding and/or the fellow researchers (in the specific case of Marie Curie Actions (hereafter "MCA")).

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

The categories of personal data of the data subjects which are collected when registering online (Participant Portal) and further processed are:

- Identification data: Family name, first name, title, gender;
- Data relating to the data subjects' position in the organisation;
- Data relating to department/faculty/institute/laboratory name;
- Data relating to addresses and telecommunications: telephone number (s), e-mail address, fax, address (if different from the organisation address).

In addition, personal data are collected and processed concerning the scientific staff and/or the research fellows (in the specific case of Marie Curie Actions (MCA)) of an applicant legal entity:

- Identification data: Family name, birth family name, first name, title, gender, location of origin, date of birth, nationality;
- Data relating to addresses and communications: address, telephone number (s), e-mail, fax;
- Data relating to education: University degree and date of award, doctorate expected before the deadline and expected date of award, doctorate and date of award, full time post-graduate research experience and number of months, other academic qualifications and date of award;
- Data on places of residence during the previous five years;

- Data concerning employment period within the funded project (start and end dates);
- Data concerning the eligibility for Marie Curie integration actions;
- Picture/photo;
- Data concerning the involvement of the researcher in other MCA proposals.

If the proposal is selected, the following additional information is being collected and processed:

- Financial data: Bank account reference (IBAN and BIC codes), VAT number (where applicable);
- Cost related data: cost statements, including personnel costs which reflect the total remuneration (including social security charges and other statutory costs) for FP7 Indirect Actions;
- Other categories of data: declaration of honour that the organisation is not in one of the exclusion situation referred to in Articles 106 and 107 of the Financial Regulation.

In the specific case of Redress I, the data collected and/or processed are the following:

- Identification data: Family name, first name, title;
- Data relating to department/faculty/institute/laboratory name;
- Data relating to addresses and telecommunications: telephone number, e-mail, address.

In the Redress II procedure, the personal data of the complainant which are processed are the following:

- Identification data: Family name, first name, title;
- Data relating to department/faculty/institute/laboratory name;
- Data relating to addresses and telecommunications: telephone number, e-mail, address.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Information to the data subjects is provided in the Specific Privacy Statement (SPS) published under the link Legal notice on the Participant Portal, where their personal data is collected (within the scope of Proposal submission).

Information to the data subjects is also provided in a later stage, in the Grant Agreements Preparation forms (GPFs): "All personal data (such as names, addresses, CVs, etc.) will be processed in accordance with Regulation (EC) No. 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the institutions and bodies of the European Union and on the free movement of such data (Official Journal L 8, 12.01.2001). Such data will be processed solely in connection with the assessment of the project by the Commission and/or the REA department responsible for FP7. On request, proposers may obtain access to their personal data and correct or complete them. Any questions relating to the processing of these data can be addressed to the project officer. Proposers may lodge a complaint against the processing of their personal data with the European Data Protection Supervisor at any time."

A Specific Privacy Statement on the processing operation of grants award and management is also available on the REA website.

In case data subjects wish to verify/modify/delete their personal data, they should follow the steps below:

Organisation Registration

During the Organisation Registration, the data subjects can access/rectify/delete their personal data in the Participants Portal, via the web interface and their password, as set during registration even if the validation of the data has started. If the validation has already been finalised, the Appointed Representative of the Legal Entity (LEAR) can submit a request for modification via the Participant Portal.

Proposal submission and grant management

During the stage of the proposal submission and the grant management, the data subjects can access/rectify/delete their personal data as follows:

- a. When they are in an active phase of proposal submission, negotiation or reporting and they have "read and write" access rights to the application, they can access, rectify or delete their personal data themselves by logging into the Participant Portal and accessing their personalised account. If they have "read-only" access rights, the project coordinator who has "read and write" access rights can rectify or delete the data of the other data subjects.
- b. When the call is no longer open:
 - In the context of proposal submission in the Participant Portal, there is a short period of one month when the data of the proposal can still be viewed but not modified anymore. After this period no access is given to the submitted data.
 - After the closing of negotiations, retained proposals are carried forward to the grant preparation process where the data subjects can modify and/or delete their personal data (carried forward from the proposal). Further changes on personal data while projects are running can be communicated to the REA project officer who will initiate an amendment to the grant agreement or will simply notify that internal records have been updated accordingly (i.e. information letter procedure).
 - The personal data in submitted questionnaires can be modified or deleted via a request to the technical helpdesk.

The REA Model Grant Agreement concerning SME Actions, Space and Security (ftp://ftp.cordis.europa.eu/pub/fp7/docs/rea-core-ga-general_en.pdf) in Article 8(5) (which is available both on the REA Website and on the European Commission CORDIS Website) stipulates the following: " 4. Any communication or request relating to the processing of personal data (Article II.13) shall be submitted, using the address(es) for the REA identified in paragraphs 1 and 2, to the Controller responsible for the processing: Head of Unit of (responsible service)."

A similar provision is contained in the REA Model Grant Agreement concerning the Specific Programme "People" (Marie Curie) for mono-beneficiary in article 7.4 (ftp://ftp.cordis.europa.eu/pub/fp7/docs/rea-core-ga-mc-mono_en.pdf) and Annex II.12 (ftp://ftp.cordis.europa.eu/pub/fp7/docs/rea-annex2-mc-mono-v3_en.pdf) and multi-beneficiary in article 8§4 (ftp://ftp.cordis.europa.eu/pub/fp7/docs/rea-core-ga-mc-multi_en.pdf) and Annex II.13 (ftp://ftp.cordis.europa.eu/pub/fp7/docs/rea-annex2-mc-multi-v3_en.pdf).

Project coordinator

Should the contact data of the project coordinator need to be changed, a request should be sent to the e-mail indicated in the point "Communication" of the Grant Agreement or if the negotiations are ongoing, to the responsible Project Officer.

Redress I

During the Redress I procedure, modifying the information that has been submitted is not allowed.

Redress II

In case a data subject wants to access, verify or modify the information that has been submitted, during the Redress II procedure, he/she should send his/her request via e-mail to the address specified in the letter announcing the REA's intention to terminate the participation/grant.

Technical problems

When technical problems arise, data subjects should contact the helpdesk (via the respective online form) of the Participant Portal.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The processing operation of grants award and management in the REA is partly manual and partly automated.

The grants award and management lifecycle consists of the following stages:

A. Publication of Calls for Proposals and Proposals submission

The lifecycle of the processing operation for awarding and managing grants starts with the preparation and publishing of Calls for proposals. The "Call publishing" operation is performed via a combination of standard office tools in the Directorates-General (DGs) and common tools in REA. The Call is published on the Internet via the Participant Portal and it includes references to the work programme topics (for which proposals can be submitted), indicative call budgets (as defined in the Work Programme), available funding schemes, deadlines for submission, and links to the SEP (Submission and Evaluation of Proposals) electronic tool. The Agency aims at defining clear call objectives to avoid inadequate proposals.

The Participant Portal provides also Guides for Applicants by call. These guides explain the submission process, the eligibility, selection and award criteria and how the applicants can seek assistance or information on any matter related to a call.

Organisations (single or in group) prepare and submit proposals according to the conditions and topics of the Call for proposals. Only electronic "Proposal submission" via the Participant Portal is allowed. However, the Rules for Participation (Regulation (EC) No 1906/2006 of the European Parliament and of the Council of 18 December 2006) stipulate that, in exceptional circumstances

when the coordinator of the proposal has no means of accessing the electronic submission, proposals can be submitted on paper. In addition, the Guide for Applicants for some programmes, such as the People Programme, gives the possibility to submit proposals on paper. According to this procedure a specific request should be sent via the FP7 Research Enquiry Service.

Once the call is closed, an acknowledgment of receipt is sent to the proposal coordinator by email/via the notification system of the Participant Portal.

Organisations should submit their legal and financial information via the Participant Portal and the URF in order for the Validation Services to perform the legal and financial verification of the entities. Upon registration (and validation), the organisations receive a Participant identification code that can be used in all subsequent administrative steps.

In the frame of the preparation of the Calls in specific Framework Programmes (FP6 and later), experts can register for participation in evaluations or reviews via the Participant Portal ("Experts Registration"). The processing operation involving personal data in the context of registration, selection and management of experts by the REA is covered by a separate notification (REA-DPN-2013-05 - Registration, Selection and Management of Experts by the REA) pursuant to article 25 of Regulation (EC) No 45/2001.

B. Proposal Evaluation

All proposals are registered upon reception and when a Call is closed, the proposals are made available to the Call Coordinator for the operation of "Proposal Evaluation". However, before closure of the call deadline (and before a full package of submitted proposals is handed over the call coordinator), a limited set of data is made available (list of Participants, contact details, proposal short summary, acronym, activity topic) mainly for call coordinators and staff directly involved in the preparation of evaluations and the selection of Experts.

The REA composes the panels of Experts (from the approved list) to evaluate the proposals and appoints one expert to act as independent observer of the evaluation process. The operation of proposals evaluation is summarised via the following steps:

- i. Briefing the experts;
- ii. Individual evaluation of proposals and Individual Evaluation Reports (IERs) with justification for all scores;
- iii. Consensus discussion and Consensus Report (CR) (or Evaluation Summary Report (ESR) in case of one consensus discussion group) with scores, justification of scores, ethical considerations and dissenting views (if any);
- iv. Panel review and panel report with the list and scores of all submitted proposals, records of hearings (only for the Security theme of the Cooperation Programme managed by the REA), and any other recommendation(s).

Following this, the proposals are ranked. The result is three lists of proposals:

- Proposals which are put forward for funding approval ("main list");
- Proposals kept in reserve in case of changes to the main list such as withdrawal after evaluation or termination of negotiations("reserve list") or proposals that may be funded if and when additional budget can be allocated to the call;
- Proposals which need to be rejected for one of the following reasons:

- o they did not fulfil the eligibility criteria;
- o they did not reach the scoring thresholds for one or more criteria as defined in the Work Programme and the Guide for Applicants;
- o they reached the scoring threshold but, in view of the limited call budget, did not score high enough to be placed on the main list or the reserve list.

The REA establishes a rank list of all proposals, which serve as a basis for the Inter-service Consultation which is launched by the Commission service in charge of the Programme concerned (DG EAC for the People Programme, DG ENTR for the Space and Security themes of the Cooperation Programme and DG RTD for the SME Actions of the Capacities Programme). The objective of the Inter-service consultation is to ensure a coherent implementation of policy across the Commission and to check if very similar work is already funded elsewhere or if a proposal would result in work that is manifestly contrary to established EU policies. In parallel, the REA creates an Evaluation Report to provide complete and official information on the evaluation results of the call to the parent DG and to the Programme Committee together with a complete file of all Evaluation Summary Reports.

C. Information to applicants and the redress I procedure

At the end of the Evaluation process, the REA sends the Evaluation Summary Report to each applicant. The applicant may request redress if there have been procedural shortcomings in the evaluation or eligibility checking process or if there are errors in the Evaluation Summary Report. Such requests must be submitted through the Participant Portal within a month from reception of the ESR.

If the redress request is eligible (i.e. submitted on time), an evaluation review committee (the "Redress Committee") will assess the case. A holding reply is sent and the beneficiary is informed of the date when s/he should expect to receive the final reply (which is the latest within 3 or 4 months from the redress submission deadline).

The Redress Committee consists of staff members that assemble the required competences to assess the proposal evaluation and redress request. Members and chairpersons of the Redress Committee are proposed by the Heads of Unit and appointed by the Director. The call coordinator is always a member of the Committee for redress requests pertaining to his/her call. The Committee is chaired by a person from another unit than the unit in charge of the evaluation.

The Redress Committee can only consider requests relating to shortcomings in the handling of the proposal evaluation. It will not call into question the (scientific/technical) judgement of appropriately qualified experts who carried out the proposal evaluation and it will not re-evaluate the proposal itself.

The Redress Committee is supported by a "Redress Office" which follows it up on the different administrative, organisational and coordination steps. It is established and managed by Directorate A of DG RTD.

Having considered the data subject's request, the Redress Committee will draw a conclusion based on the available evidence and make a recommendation.

Three types of outcome are possible:

- Inadequate evidence to support the complaint;
- Evidence to support the complaint or parts of it, but no further action recommended;

- Evidence to support the complaint and follow-up recommended.

The follow-up consists in a partial or total re-evaluation of the proposal or, in extreme cases, in a re-evaluation of other proposals where the identified shortcoming may also have had an impact, even if for those proposals there had not been any complaints.

D. Proposal Negotiation

After the end of the evaluations, each project to be funded is assigned to a REA Project Officer and the "Proposal Negotiation" operation begins. The scientific details of the project are finalised, comments from expert evaluators addressed and it is ensured that the beneficiaries have the operational capacity to perform the work in line with the negotiation mandate.

During this stage, the data of participants and coordinators are inserted in the Negotiation tool (NEF - NEgotiation Forms) and are synchronised with the internal Commission databases. The NEF session is closed after finalising the details of the Grant Agreement Preparation Forms (GPFs), including the legal validation of beneficiaries and of the description of work.

E. Grant management

The final details of the proposal are settled, and a grant agreement is prepared via the "Grant Management" operation. The latter operation also handles possible amendments to the grant agreement. At this stage, the information provided via the unique registration service of the Participant Portal will have been validated by the Validation services.

When the Grant Agreement (GA) is signed by all the REA and the coordinator/single beneficiary, the first payment (the so-called pre-financing) is disbursed. Part of the initial pre-financing (amounting to 5% of the grant) is redirected by the REA – on behalf of the beneficiaries in accordance with contractual provisions, to the Participant Guarantee Fund. For multi-beneficiary grants, other beneficiaries have 45 days to confirm their formal adherence to the grant agreement. The grant agreement details the reporting periods for the project. Thus the beneficiary should report according to provisions of the grant agreement. At the end of each reporting period, the beneficiary must submit reports and deliverables such as periodic report, Certificate for the Financial Statement (if applicable), financial statements, final report (in the case of the final reporting period), other deliverables, etc. Once all deliverables are submitted, analysed and accepted, interim/final payments are made to the beneficiary. In the case of the final payment, the guarantee fund is also released.

All exchanges of information, documents, deliverables, etc., between the REA Project Officer and the project are channelled through the coordinator.

The REA may initiate a technical review (for the project as a whole, a technical audit (in-depth technical check at the level of an individual beneficiary) or a financial audit at any time during the implementation of the project and up to up to five years after the end of the project. The aim of such reviews/audits is to assess the work carried out under the project over a certain period, inter alia by evaluating the project reports and deliverables relevant to the period in question and/or to check compliance with contractual eligibility criteria when claiming funding. The Commission/REA may be assisted in technical reviews/audits by external scientific or technological experts. For financial audits, the REA may call on the support of professional audit firms that will perform verifications on behalf of REA (under a service contract concluded with the REA).

Amendments (legal acts which modify the initial grant agreement) may be requested by mail (not email) by the legal representative of any of the parties (Consortium or the REA) during the lifetime of the GA (i.e. after its entry into force and before the final payment). They must be complete and enclose the supporting documents justifying the modifications proposed. Amendments become effective once parties agree (through an exchange of letters).

F. Organisation registration and organisation management

"Organisation management" for FP7 is common for all Research DGs and focuses on the continuous collection and validation of the organisations' data. "Organisation registration" is an operation which allows organisations to pre-register and to get their Participant identification code.

G. Redress II

The Redress II is a formalised procedure for the cases of termination of a beneficiary's participation in a grant agreement or of the grant agreement itself.

The main steps of the procedure can be summarised as follows:

i. The REA services inform the participant/project (coordinator) that they have decided to terminate the participation/project

This information letter contains:

- The REA decision to terminate;
- The legal provision of the grant agreement on which the decision is based;
- Justifications for the decision to terminate;
- That the beneficiary/coordinator has 15 days from receipt of the letter to trigger the redress procedure before the decision takes effect.

ii. If the participant applies for a redress the REA has 45 days to have the request examined by the Redress II Committee, a final decision taken by the AOSD and communicated to the beneficiary/coordinator. The findings of the Redress Committee can be of three types:

- Inadequate evidence to support the complaint, the Redress II Committee recommends to confirm the decision of termination;
- Evidence to support the complaint, the Redress II Committee does not question the decision to terminate but may recommend additional or amended justifications;
- Evidence to support the complaint, the Redress II Committee recommends to the AOSD (Head of Unit) to withdraw his/her decision and to adopt a different one.

iii. The AOSD may agree or disagree with the recommendation made by the Redress Committee:

- If he/she agrees with the recommendation, he/she motivates his/her decision accordingly and transmits it to the complainant.
- If he/she disagrees with the recommendation, then the matter is referred to the Director of the REA as AOD (Authorising Officer by Delegation). The decision will be taken and motivated according to the conclusions of the Director and transmitted to the complainant.

Where the AOD (or AOSD) confirms the termination:

- The termination of the participation of a beneficiary becomes effective on the day of the confirmation letter.

- The termination of the grant agreement becomes effective 45 days after the deadline to request redress.
- iv. The beneficiary/coordinator has 45 days to submit reports after the effective day of termination.

H. Reporting

Information is kept in the project management data warehouse, so that reports and statistics can be produced. Reporting is produced to support management supervision or provide input in response to Parliamentary questions concerning funds, projects funded and socioeconomic issues.

I. Collection of structured information via specific Deliverables/questionnaires

Structured information is collected for various other needs, like socioeconomic data. CORDIS also disseminates information on projects' results. Structured information may be retrieved from SESAM, the European Commission online reporting tool for Research and Technological projects.

J. IT systems supporting grants award and management processing operations

- Call publication (CaP);
- User Helpdesk;
- Submission of Proposals(Electronic Proposal Submission Service (EPSS), Participants Portal, Submission and Evaluation of Proposals (SEP));
- Publication of NCP names and contact details;
- Management of Codes and Calls reference data;
- Security Management for local users (SECUNDA);
- Evaluation Support (Evaluation Service Support - ESS);
- Organisations Registration, verification, validation and management (URF-PDM);
- Identity and access Management;
- Experts Registration (EMC);
- Experts Management Internal (EMI);
- Contract & Project Management (CPM);
- Negotiation (NEF);
- Statistical Reporting on call implementation and performance indicators on project management (including socio-economic data through CORDA);
- Publication and dissemination of project information and results (on CORDIS);

10/ STORAGE MEDIA OF DATA

The collected / processed data in electronic format is stored on the REA servers (limited access) and/or on the servers (email server, ARES, Participant Portal, etc.) of the European Commission. All configurations and operations abide by the relevant Commission decisions on IT security and provisions established by the Security Directorate of the Commission (HR.DS) for this kind of servers and services.

Data in paper format is stored/archived in locked/secure cupboards.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Article 16, 182 and 294 of the Treaty on the Functioning of the European Union;
- Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013);
- Regulation (EC) No 1906/2006 of the European Parliament and of the Council of 18 December 2006 laying down the rules for the participation of undertakings, research centres and universities in actions under the Seventh Framework Programme and for the dissemination of research results (2007-2013);
- Council Regulation (EURATOM) No 1908/2006 of 19 December 2006 laying down the rules for the participation of undertakings, research centres and universities in action under the seventh framework programme of the European Atomic Energy Community and for the dissemination of research results (2007 to 2011);
- Council Decision 2006/971/EC of 19 December 2006 concerning the specific programme 'Cooperation' implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013);
- Council Decision 2006/973/EC of 19 December 2006 concerning the specific programme 'People' implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013);
- Council Decision 2006/974/EC of 19 December 2006 on the specific programme: 'Capacities' implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013);
- Decision No 1639/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Competitiveness and Innovation Framework Programme (2007 to 2013);
- Decision 2008/46/EC on 14 December 2007 setting up the "Research Executive Agency" (REA) for the management of certain areas of the specific Community programmes People, Capacities and Cooperation in the field of research in application of Council Regulation (EC) No 58/2003;
- Commission Decision C(2007) 2466 of 13 June 2007 on the adoption of the rules to ensure consistent verification of the existence and legal status of Participants, as well as their operational and financial capacities, in indirect actions supported through the form of a grant under the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) and under the Seventh Framework Programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities (2007-2011), as amended by Commission Decision 2012/838/EU, Euratom of 18 December 2012;
- Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes;
- Commission Decision C(2008) 3980 of 31 July 2008 delegating powers to the REA with a view to performance of tasks linked to implementation of the specific Community programmes People, Capacities and Cooperation in the field of research comprising, in particular, implementation of appropriations entered in the Community budget as amended by Commission Decision C(2010) 5184 of 30 July 2010 (the Delegation Act);
- Commission Decision 2011/161/EU, Euratom of 28 February 2011 amending Decision C(2008) 4617 related to the rules for proposals submission, evaluation, selection and award

procedures for indirect actions under the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013);

- Various implementation regulations, and general regulations such as the Financial Regulations, the Guide to Financial Issues relating to FP7 Indirect Actions;
- Articles 110, 131-133 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union;
- Articles 196-205 of the Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union;
- The Memorandum of Understanding between the REA and its parent DGs, the Directorates-General for Research and Innovation (DG RTD), for Enterprise and Industry (DG ENTR), and for Education and Culture (DG EAC).

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

Data may be disclosed to the following recipients:

- The Director of the Agency in his capacity of Authorising Officer by Delegation (AOD);
- Authorised members of the REA staff;
- External expert evaluators, reviewers and contractors who are working on behalf of and under the responsibility of the contracting authorities (REA or Commission) within the Research Framework Programmes;
- Members of the Redress Office (for Redress I);
- Members of the Redress Committee (for Redress I and Redress II);
- Authorised members of the European Commission staff;
- External auditors (working under strict contractual obligations to respect confidentiality).

Other potential recipients

In addition, some personal data may be disclosed in compliance with the relevant legislation and established case law, to:

- Member States ministries;
- States associated to the Research Framework Programmes;
- Public research funding bodies in Member States and countries associated to the Framework Programme;
- Other programmes and initiatives implementing EU research activities created in line with the provisions of the Treaty;
- The Court of Justice of the European Union (Court of Justice, the General Court and the Civil Service Tribunal);
- European Anti-Fraud Office (OLAF);
- European Court of Auditors (ECA);
- Financial Irregularities Panel (FIP);
- Internal Audit Service of the European Commission (IAS);
- European Ombudsman;

- European Data Protection Supervisor (EDPS);
- National courts.

This transmission will be restricted to the information necessary for the competent entity to carry out its task. The recipients will be reminded of the purpose limitation obligations [Article 7(3) of the Regulation (EC) No 45/2001] to process the personal data only for the purposes for which they were transmitted.

Public

The following information is published on CORDIS portal/Europa/other dedicated Internet website/paper for all selected proposals/funded projects:

- Project summaries, reports and deliverables that have been marked as publishable;
- All the contact data of the administrative representative of each Participant as well as of the Project Coordinator: last name, first name, phone, fax, email, postal address, location, URL).
- Total budget of the project.

If the data subject agrees unambiguously, the following categories of data may be published on paper and Internet for communication purposes (and further processed for statistics / study / programme evaluation purposes by contractors or beneficiaries of a Cooperation and Support Action):

- Identification data: last name, first name, title, gender;
- Data relating to department/faculty/institute/laboratory name;
- Data relating to addresses and telecommunications: phone, mobile phone, e-mail, fax, address (if different from organisation address);
- Data relating to short curriculum vitae (professional contact details, education and work experience);
- Data relating to nationality (for statistical and communication purposes, e.g. the analysis of the mobility of researchers);
- Data relating to age (for statistical and communication purposes, e.g. the analysis of the participation of young/elder researchers);
- Photo/picture.

Applicants who have not opted-in at the time of their participant registration shall be required to give unambiguous consent to the publication on paper and Internet of the above data at a later stage, through signature of a declaration of agreement prior to being awarded a grant. The prior agreement of each concerned data subject shall be documented by the concerned Participant (the entity which signed the grant agreement) via the model of declaration of agreement annexed to the Service Specific Privacy Statement (SPS) on the processing operations on Applicants' data. This declaration is filled in and signed by the data subject. It is kept at the disposal of the data controller by the participant for any possible verification.

In accordance with financial regulation requirements, identities and cumulated funding received by recipients of EU funds are published annually on the Commission's internet (Financial Transparency System).

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Personal data (in paper and in databases/systems) of natural persons in Applicants/Participants (organisations) retained for grant agreements, is kept in accordance with the Common Commission-Level Retention List for European Commission Files (point 7.1.2 of Annex 1 of SEC (2007)970)

applied by analogy in the REA Retention Plan. This period will be of 10 years after the end of the project.

Personal data (in paper and in databases/systems) of natural persons in relation to unsuccessful proposals is kept for 3 years after the decision of the rejection of the proposal by the Programme Steering Committee / the closing of the project (if the negotiation failed) / the last update made by the concerned authorised representative of the data subject.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

- Time limit to rule on a request: 15 working days (beginning from the reception of the request).
- Blocking period: On a case-by-case basis. Immediately if applicable (maximum delay of 5 working days).
- Erasure Period: Maximum delay of 5 working days after the ruling on the request (if applicable).

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

Data are further processed for anonymous statistical studies, impact evaluation of the programme, or improvement of the funding schemes for researchers. This is particularly relevant for the implementation of the researchers mobility actions financed under the People Specific Programme where data on researchers hosted by grant beneficiaries is collected to monitor mobility patterns (in terms of nationality, seniority, gender, family situation, etc.).

The data subject's consent for the processing of the above data for statistical reasons is obtained via a declaration of agreement annexed to the Service Specific Privacy Statement (SPS) on the processing operations on Applicants' data (see Annex). This declaration is filled in and signed by the data subject. It is kept at the disposal of the data controller by the participant entity for any possible verification.

Anonymous statistics mainly on nationality, gender, field of expertise, country of residence of the grantees may be prepared also after the end of FP7.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

Personal data may be transferred (upon prior consent) to third countries associated to the Framework Programme.

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (*Please describe*):

AS FORESEEN IN:

↑ Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

↑ Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

↑ Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

↑ Other (general concept in Article 27.1)

17/ COMMENTS

Related / Relevant documents (SLAs, MoUs, etc.)

- Negotiation Guidance Notes of 10 September 2010: FP7 Collaborative Projects, Networks of Excellence, Coordination and Support Actions, Research for the benefit of Specific Groups (in particular SMEs)
- Guide to Financial Issues relating to FP7 Indirect Action of 16 January 2012
- Rules to ensure consistent verification of the existence and legal status of participants, as well as their operational and financial capacities, in indirect actions supported through the form of a grant under the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) and under the Seventh Framework Programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities (2007-2011) Commission Decision C(2007)/2466 of 13 June 2007
- REA guidance document for the (Project Officer) PO to perform checks and actions to verify operational capacity at negotiation stage and during the life of the project
- REA Core text of Model Grant Agreement (SME actions, Space and Security) (http://cordis.europa.eu/fp7/calls-grant-agreement_en.html)
- The Memorandum of Understanding between the REA and its parent DGs of 12 June 2009;

- Article 13 of the Decision of the Steering Committee of the Research Executive Agency on the implementation of Regulation (EC) No 1049/2001 of the European Parliament and the Council regarding public access to documents;
- Appointment Letters (Expert contracts);
- REA Guidelines on FP7 Redress procedure for proposal evaluation and proposal eligibility check;
- REA Guidelines on FP7 Redress Annexes of 20 August 2010;
- REA Termination Guidelines for FP7 Grant Agreements of 15 March 2010;
- REA Guidelines on FP7 Redress procedure on termination (Redress II);
- Specific Privacy Statement (SPS) relevant to the processing operation grants award and management by the REA.

PLACE AND DATE: BRUSSELS, 21 NOVEMBER 2013

DATA PROTECTION OFFICER: EVANGELOS TSAVALOPOULOS

INSTITUTION OR BODY: RESEARCH EXECUTIVE AGENCY (REA)