

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1405

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 25/10/2016

CASE NUMBER: 2016-0951

INSTITUTION: EC - DG RDT

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

CONTROLLER : SMITS ROBERT-JAN
E-MAIL: Robert-Jan.Smits@ec.europa.eu

DELEGATE : N/A
E-MAIL:

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

THE EUROPEAN COMMISSION
DG RTD

3/ NAME AND DESCRIPTION OF THE PROCESSING

NAME: Grant management

DESCRIPTION OF THE INFORMAL PROCESS

Collection and further processing of data provided by the Applicants and Beneficiaries in the context of the following Programmes and Initiatives managed by the Directorate-General for Research and Innovation (DG RTD): cf. the attached '**List of Programmes and Initiatives**'.

¹ OJ L 8, 12.01.2001.

Applicants are the legal entities that apply for funding through the submission of proposals. Beneficiaries are the successful Applicants, i.e. participants in funded research projects.

Furthermore, information provided may lead to an entry in the Early Detection and Exclusion System Database (EDES-Database) managed by the European Commission, in compliance with Regulation (EU, Euratom) 2015/1929 (the revised FR)^[1]. Information exchanged within the EDES will be centralised in this database. The database shall contain information on economic operators that could represent a threat to the Union's financial interests, economic operators who are in one of the exclusion situations listed in Article 106 (1) and economic operators on which financial penalties are imposed - Article 106 (13) of the revised FR, in the form of cases created therein. The EDES foresees the right of the economic operator to be informed of the data stored in the database upon its request to the Commission. The information contained in the database shall be updated, where appropriate, following a request for rectification or erasure of the data stored. For more information, please visit:

http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm

^[1] Regulation (EU, Euratom) 2015/1929 (FR) of the European Parliament and of the Council of 28 October 2015 amending Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union (OJ L 286, 30.10.2015).

The Data Subjects are staff of Applicants/Beneficiaries with attributed roles in the proposals/projects (Primary Coordinator Contacts, Coordinator Contacts, Participant Contacts, Task Manager, Team Members^[1]).

The data is collected directly and indirectly from the Data Subjects, and are necessary for entering into a contract with the successful Applicants.

In compliance with Article 39.2 of the Horizon 2020 MGA, the beneficiary who provides the personal data of their staff to the Controller shall first provide their staff with the related (Service Specific) Privacy Statement before transmitting their data the Controller.

Personal data, collected for the purposes for which they were provided, are not retained by the Controllers if they become irrelevant or excessive.

^[1] Terms used by the Participant Portal. Read more in the [Online Manual](#).

3.1 Lifecycle of processing operations for Applicants and Beneficiaries

The lifecycle of processing operations for Applicants and Beneficiaries starts with the preparation and publishing of the work programme. The funding may be provided in the form of grants (via calls for proposals or directly to beneficiaries, identified in the work programme), prizes (via contests) or financial instruments. The lifecycle of processing operations ends with the end of the retention period (cf. section 13 "Retention").

Legal entities have to submit their legal and financial information via the Participant Portal in order that the Validation Services can perform the legal and financial verification of the entities. Upon registration (and validation), the processing operation "[Organisation registration](#)" focuses on the continuous collection and validation of legal entity's data. It allows for legal entities to pre-register and to get their Participant Identification Code (PIC) that can be used in all subsequent administrative steps.

Legal entities prepare and submit proposals according to the conditions and topic of the Call for proposals/ Invitation to submit proposals. "[Proposal submission](#)" is done electronically via the Participant Portal.

a) As regards grants, all proposals are registered for reception and when a Call is closed, the proposals are made available to the Call Coordinator for "[Proposal Evaluation](#)". After the creation of the draft proposal, upon accepting the disclaimer of the submission system and before the call deadline, a limited subset of data is made available for the given call and type of action (list of Applicants, contact details, proposal short summary, acronym, activity topic, where applicable panel and/or keywords) mainly for call coordinators and staff directly involved in the management of evaluations and the selection of Experts unless the user opts-out. The DG then composes the panels to evaluate the proposals with the help of the approved Experts. The proposal evaluations are then planned and following the call deadline proposals are evaluated and ranked. The result is one list of below-threshold proposals and three lists of the above-threshold proposals with ranking:

1. The main list;
2. A reserve list;
3. The "below-available-budget" list.

At the end of the evaluations, all applicants are informed about the outcome of the evaluation and the legal entities whose proposals were approved for funding, are invited to start a "Grant Agreement preparation phase". During this period, the grant agreement is prepared and sent for signature to the Coordinator of the action and further information is collected outside the Participant Portal (cf. section 11.2), if necessary.

After the grant agreement has been signed, and during the implementation of the action, further information is exchanged between the Commission and the legal entity acting as the coordinator of the action (e.g. information in the amendments of grant agreement and the deliverables).

b) As regards prizes, all applications for prizes are registered and when the Contest is closed, the applications are made available to the experts for evaluation. Before the deadline, a limited subset of data (list of candidates, contact details, short application summary, activity topic, if applicable panel and/or keywords) is made available mainly to the staff directly involved in the management of evaluations and the selection of experts.

In case the application has been awarded a prize, personal data shall be processed solely in connection with the implementation and follow-up of the application of the winner (e.g. communication activities).

References made to the grants in this document apply by analogy to the prizes, unless otherwise indicated.

3.2 Collection of personal data via the Participant Portal (PP)

The data is collected via the [Participant Portal](#) (PP), that offers online electronic services such as partner search, proposal submission, online registration of legal entities, anonymous contact function in the context of the EU and Euratom research and innovation programmes (such as Horizon 2020- the Research and Innovation framework programme-, COSME, the Health programme, etc.) managed by Commission's Directorates General, Executive Agencies and Joint Undertakings of the Research family and Commission's Directorates General which are not part of the Research family (list provided in the common (Service Specific) Privacy Statement attached to point 7).

List of attachments

- List of Programmes and Initiatives (link of PS 1).pdf

The purpose of the processing operations relating to the award, management and follow-up of grants, prizes and financial instruments by the Controller in the context of implementing the Programmes and Initiatives managed by the Controller is to ensure that proposals are evaluated against the announced criteria in a transparent and effective manner; the best proposals are selected for funding; the ensuing grant agreements are concluded and implemented according to the contractual provisions and in conformity with sound financial management of the EU budget; the follow-up of projects aiming at maximising the dissemination and exploitation of Research results; the processing of information^[1] for evaluation of the Programmes and Initiatives managed by the Controller as well as improvement of the future Programmes and Initiatives.

A limited subset of the personal data may be processed for communication purposes, as per the rules of each call for proposals / contest for prizes (for Horizon 2020, cf. Articles 31.5, 38.2 of the Model Grant Agreement).

^[1] Meta-data, personal data, public or confidential information contained in proposals, results, reports, publications and deliverables of projects, and any further information collected within the course of operations.

PROCESSORS:

4.1 Internal processors (Directorates-General, Authorising Officers by (sub) delegation and Executive Agencies^[1] of the European Commission).

Processing operations go through different generic IT systems placed under the responsibility of Business Process Owners, located within different members of the Research family (e.g. at DG RTD (Call Management) , REA (Proposal submission and evaluation), etc.

The development and maintenance of some IT systems as well as the processing of certain modules is done by DG DIGIT and DG RTD.

Some processing operations are implemented by other DGs (e.g. payments with ABAC by DG BUDG (DPO-300 and DPO-372), access control to EC premises by DG HR (DPO 2638), management of the evaluation support service by REA), and by the Publication Office (OP) (CORDIS publications - DPO-1332).

All statutory staff is bound by the obligation of confidentiality with respect to any information they access within the scope of their assignment, as stipulated in the [Staff Regulations of Officials](#) (Article 17) and the [Conditions of Employment of Other Servants](#)^[2] (Article 11).

4.2 External processors (contractors, intra and extra-muros)

External processors are the independent expert evaluators, reviewers and other contractors who are working on behalf of and under the responsibility of the Commission and/or its services for the purposes of proposal evaluation, grant management (including checks and reviews), action reporting and Research networking.

Any processing operations performed on behalf of DG RTD (the Controller) by a contractor (a Processor) are pursuant to Article 23 of Regulation (EC) No 45/2001. The subsequent obligations of the Processor are made mandatory via a dedicated DG BUDG contractual clause (enclosed), and other specific instructions provided by the Controller in the context of contract implementation.

^[1] The statute of Executive agencies is laid down in a Council Regulation (EC) No 58/2003.

^[2] Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Communities as laid down by Articles 2 and 3 of Council Regulation (EEC, Euratom, ECSC) No 259/68 (OJ L 56, 4.3.1968).

List of attachments

- Internal working rules for intra-muros.doc
- Standard contractual clause on data protection on DG BUDG model contracts.doc

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Data subjects can be either citizens of the European Union or third countries. They work for the legal entities which request (Applicants) or receive (Beneficiaries) funding through Horizon 2020 and other related Programmes and Initiatives managed by DG RTD within the scope of the concerned actions. Personal data processing operations may relate to any other person whose data are submitted to the EC DGs/Agencies/Joint Undertakings in the context of grant management preparation, implementation and follow up.

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

6.1 Submission of proposals via the Participant Portal (PP) and their evaluation

The categories of data collected and processed via the PP are identification and contact details of the "person in charge of the proposal" of each Applicant, as well as of other categories of staff if any. For more details, refer to the '**List of identification data**', published in the [Legal Notice of the PP](#).
General remarks of the Controller:

- Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual orientation may be received only in as much as these data appear spontaneously in the CV provided by the data subjects. Those data are not processed during the management of the call or the execution of the agreement, since they are not pertinent.
- The address, city, country, telephone and fax numbers, bank account numbers as well as e-mail addresses provided in the proposals are usually the professional ones of the person filling in the form and submitting the application. Thus, as a general rule (with the exception of cases where the applicant is a natural person), private addresses or bank account numbers etc. are not processed.

6.2 Proposals retained for funding (retained for funding or to be included in a reserve list) and grant management

In addition to the data of section 6.1, further categories of data are collected and further processed for successful proposals with the aim of contracting the Grant Agreements: identity, contact details and declaration of honour of the Legal Entity Appointed Representative (LEAR) of each beneficiary, identity and contact details of the person appointing him/her, identity and contact details of the Primary coordinator contact and Participant contacts.

For more details, please consult the '**List of Grant preparation data**' collected for successful proposals, published in the [Legal Notice of the PP](#).

6.3 Data processed only further to the unambiguous consent of the data subject

In accordance with Articles 11-12 and 5(d) of Regulation (EC) No 45/2001, the data subjects will be duly informed in advance about the foreseen purpose(s), legal basis and related provisions of the

processing at stake. No such processing will be implemented until the data subject has provided his/her unambiguous consent to the Applicant/Beneficiary in compliance with Article 5(d) of Regulation (EC) No 45/2001. The consent could be provided through the signature of a declaration of agreement (kept by each Applicants/Beneficiaries and provided to the Controller if there is a need for verification).

Cf. the '**List of processing operations requiring opt-in of the data subject**' attached to section 11 of the notification.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Information to the Data Subjects as described in Articles 11 and 12 of Regulation (EC) No 45/2001 is provided in the (Service Specific) Privacy Statement displayed on the [Participant Portal](#), where the personal data of staff of Applicants and Beneficiaries are first collected and registered (within the scope of Proposal submission, Organisation registration, and Organisation management), published under the section [Legal notice](#).

The processing operations described in sections 10.3 b), 10.4 or/and 10.5 will be performed only if the Applicant/Beneficiary has received the unambiguous consent of the concerned data subjects via an ad hoc declaration of agreement (or in any other form that will be deemed suitable for the specific needs of the project). In that document, the foreseen data processing operations will be precisely described. The document must be filled in and signed by the data subject before the processing can start.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

For any matters relating to their rights under Articles 13-19 of Regulation (EC) No 45/2001, data subjects can contact the Controller directly at:

DG RTD Director-General: RTD-ASSISTANT-SECRETARIAT@ec.europa.eu

For more details, consult the 'Detailed information regarding access to and review of your personal data', published in the [Legal Notice of the Participant Portal](#).

For specific information on data protection, data subjects may also contact the European Commission Data Protection Officer: DATA-PROTECTION-OFFICER@ec.europa.eu .
Data subjects have the right of recourse to the European Data Protection Supervisor.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

All processing operations have an automated part. This point covers front-office automated processing operations and supporting IT systems for Applicants/Beneficiaries.

All EC IT systems are compliant with the [Commission Decision of 16 August 2006 C\(2006\) 3602 concerning the security of information systems used by the European Commission](#).

Besides, the Commission's contractors established in the EU which run IT systems on behalf of or for the EC abide contractually by dedicated provisions (BUDG clause referred to hereof) and legal obligation resulting from the transposition of Directive 95/46/EC [1] as repealed by Regulation (EU) 2016/679[2]. 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 in the processing and to the nature of the personal data concerned (cf. section "3. Processors").

These IT systems support the following operations:

- Call publication;
- User Helpdesk;
- Proposal submission;
- Publication of NCP names and contact details;
- Management of Codes and Calls reference data;
- Security Management for local users;
- Evaluation Support;
- Identification of the publications portfolio of researchers;
- Registration, verification, validation and management of legal entities;
- Identity and access Management;
- Contract & Project Management;
- Reporting on socio-economic data (or any other aspects);
- Publication and dissemination of project information and results;
- Follow-up of publications generated by the projects;
- Evaluation of the impact of EU framework programmes on individual researchers;
- Research networking;
- Partner(s) Search function;
- Anonymous Contact function;
- Etc.

The scope of the manual processing operations performed by EU staff or contractors on behalf of the EC includes:

- Updating the calls reference data after a new call or Directorate-General reorganisation;
- Publishing a call (automatically);
- Organisation of data management, including screening for and identification of duplicate entries, verification and validation for organisation legal status following adequate background research, and management of unique legal entity (Applicant/Beneficiary) ids;
- Keeping paper documents storage, e.g. on proof documents for the legal status of the legal entity;
- Managing proposal evaluation; Managing the list of proposals for further processing and the selected proposal list's approval;
- Managing the list of selected actions, for further processing, including grant agreement adaptation, preparation, and initial payments;
- Managing the actions and further processing of information, including deliverables, grant agreement amendments, and intermediate or final payments;
- Managing reporting requirements for operation at action, Operational Unit, Directorate or Controller's level;
- Carrying out the auditing of the actions to assess whether or not all relevant legal obligations were observed;
- Managing information related to publication and dissemination of results;
- Managing information related to exploitation of results;
- Managing the Controller's and Processor's users' accesses to supporting IT systems.

[1] Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281 , 23/11/1995).

[\[2\]](#) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) (OJ L 119, 4.5.2016).

10/ STORAGE MEDIA OF DATA

During all the operations described, information is kept in the data warehouse, so that reports and statistics can be produced. Reports are produced as required for monitoring the progress on the implementation of the grant management cycle, the fulfilment of the Controller legal obligations and in order to respond to Parliamentary questions concerning funds, actions funded and socio-economic issues. Also, structured information (like socioeconomic data) is collected via the "Structured Deliverables" processing operation for various other needs. CORDIS, the Open Data Portal, and other designated Internet websites also disseminate information on actions' results.

The data is stored in databases on the Controller's and DG DIGIT servers. The data can be transferred to local DG data centres operating under the same rules as the DG DIGIT data centre. It is stored in various computer readable formats, including on magnetic and optical storage media. The proposal data may also be stored in paper form, and they are transferred to the any competent EC service for further processing.

Legal entity validation data (legal or financial, including the Legal Entity Appointed Representative nomination related documents) may also be stored in paper form, but they remain under the control of the Research Executive Agency (REA).

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

According to Regulation (EC) No 45/2001, the data processing in the context of this notification is considered lawful because:

- It is necessary for the performance of a public interest tasks, namely the management of the Horizon 2020 and other related Programmes and Initiatives managed by DG RTD, (Article 5(a));
- It is necessary for the performance of a contract to which the data subject is (party or in order to take steps at the request of the data subject prior to entering into a contract, namely grant agreement or other type of contract under Horizon 2020 and other related Programmes and Initiatives managed by DG RTD (Article 5(c)); or
- The data subject has given his/her unambiguous consent (Article 5(d)).

Processing operations requiring the prior consent of the data subjects are detailed in the attached 'List of processing operations requiring consent'.

The data processed by DG RTD in the context of this notification fall under Article 27 of Regulation (EC) No 45/2001, and has been prior-checked by the EDPS (C 2016-0951).

The legal bases for the respective data processing operations are listed in the attachment, and may be updated in the register of the Data Protection Officer of the European Commission to include new legal acts relevant for the Programmes and Initiatives managed by DG RTD.

List of attachments

- List of processing operations requiring consent (link of PS 3.3).pdf
- Excerpt from letter of the EDPS on retention period.pdf
- EDPS C 2016-0951.pdf
- Legal basis Grants v1.pdf

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

Recipients in the EU institutions and bodies are reminded of their obligation to process the personal data provided to them only for the purposes for which they were transmitted (Article 7(3) of Regulation (EC) No 45/2001).

The categories of recipients are:

- EU institutions and bodies;
- Member States;
- Third parties in the European Economic Area (EEA) and in countries for which the Commission has adopted an adequacy decision;
- Third parties in third countries with no adequacy decision, with additional safeguards;
- The public.

For more details, please refer to the ‘List of recipients’, published in the Legal Notice of the Participant Portal.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

13.1 Normal categories of data

For information on beneficiaries receiving EU funding, personal data (in paper and/or any other format) included in proposals/grant management related documentation are retained for 10 years after the closing of the action, as stipulated in the Common Commission-Level Retention List (CRL, ref. SEC(2012)713) for European Commission files. This retention period is considered as necessary for control and audit purposes in terms of Article 48 of the Rules of Application.

Personal data related to unsuccessful proposals might be kept for up to 3 years after the end of the particular procedure to allow for all possible appeals. And as required by the CRL, unsuccessful proposals are eliminated after 3 years. This applies also to data contained in previous outdated versions of proposals and in withdrawn proposals.

Anonymous or encrypted^[1] data can be retained for a longer period for statistical, scientific or historical purposes.

13.2 Special categories of data

Any extracts from the judicial records if provided by the data subjects are not kept for more than two years following the accomplishment of the particular procedure.

^[1] For instance for researchers who have provided their ID (cf. section 6.1), the latter will be kept encrypted after the end of the retention period.

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

Blocking or rectifying data can be done directly or on request (depending on the position in the workflow of the processing operations), as detailed in sections 3.1 (active phases) and 3.2 (non-active phases) of the (Service Specific) Privacy Statement attached in section 7.

The Controller enables data subject to enforce their rights of access, rectification, blocking or erasure in compliance with Articles 13-16 of Regulation (EC) No 45/2001, taking into account the stage of the grant management procedure (e.g. factual data included in the application may be corrected/updated until the closure of the call for proposals).

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification.

Processing for statistical purposes is only done so as to monitor the progress of the implementation of the programmes and initiatives managed by DG RTD. for this purpose, personal data are duly encrypted or anonymised.

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

In line with Regulation (EC) No 45/2001 personal data might be transferred to the recipients in:

- EU/EEA countries, which are subject to Directive 95/46/EC[1] (Article 8 of Regulation (EC) No 45/2001),
- Third countries, which are not subject to Directive 95/46/EC, but have an adequate level of protection (Article 9.1 and 9.2 of Regulation (EC) No 45/2001)[2];
- Third countries, which are not subject to Directive 95/46/EC and whose data protection legislation is not recognised as adequate by a Commission decision, if they comply with Article 9.6 and/or 9.7 of Regulation (EC) No 45/2001.

[1] As repealed by Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation)

[2] Cf. http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING

Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject and (d) processing operations for the purpose of excluding individuals from a right, benefit or contract.

17/ COMMENTS

N/A

PLACE AND DATE: BRUXELLES, 19 OCTOBER 2016
DATA PROTECTION OFFICER: RENAUDIÈRE PHILIPPE
INSTITUTION OR BODY: THE EUROPEAN COMMISSION