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for all correspondence

**Subject: Notification for prior checking concerning redress procedure in grants**

Dear Ms Kolloczek,

I refer to your notification for prior checking concerning redress procedure in grants submitted to the European Data Protection Supervisor (EDPS) on 10 October 2012. I note that the notification concerns data processing operations which were already partly addressed in the EDPS opinion on grant procedures at the ERCEA<sup>1</sup>.

After a careful analysis of all documents submitted together with the notification, we came to the conclusion that the procedure in question is **not subject to prior checking**.

The notification was submitted under Article 27(2)(b) and (d) of Regulation (EC) No 45/2001. The provision of Article 27(2)(b) of the Regulation refers to processing operations intended to evaluate personal aspects relating to the data subjects, such as ability, efficiency and conduct, whereas the provision of Article 27(2)(d) to processing operations for the purpose of excluding individuals from a right, benefit or contract.

Although the redress procedure involves (re-)evaluation of personal aspects of the unsuccessful grant applicant in terms of the eligibility check and the peer review of the proposal, all these aspects have already been addressed in the EDPS Opinion on grant procedures mentioned above.

As to the second ground for prior checking, the EDPS observes that the purpose of the redress procedure is not to exclude the person concerned from a benefit but exactly the opposite - to allow the applicant to actually benefit from the grant<sup>2</sup>.

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<sup>1</sup> Adopted on 21 November 2011 on a basis of the notification for prior checking concerning proposal evaluation and grants management submitted on 29 July 2011 and closed on 19 December 2012 (EDPS 2011-0845).

<sup>2</sup> The provision of Article 27(2)(d) relates to exclusion databases, such as the Early Warning System - see EDPS opinion 2006-0397 of 22 December 2006 on the EWS at the Court of Justice.

In the view of the fact that the redress procedure does not present any specific risks in terms of Article 27 of the Regulation, the EDPS decided to close the case.

Yours sincerely,

**(signed)**

Giovanni Buttarelli