



EUROPEAN INNOVATION COUNCIL AND SMES
EXECUTIVE AGENCY (EISMEA)

RECORD OF PERSONAL DATA PROCESSING ACTIVITY

Based on Article 31 of the Regulation (EU) 2018/1725¹ on the protection of natural persons with regards to the processing of personal data by the Union Institutions, bodies, offices, and agencies and on the free movement of such data, each responsible EISMEA data controller has to maintain a record of the processing activities under his/her responsibility.

Record No: R-2019-04-03

Initial approval by Data Controller: 15 October 2021

Previous Notification (if applicable): DPO- 02/2013

Update (s) (if applicable): 10-2023

NAME OF THE PROCESSING ACTIVITY

Ex post control

IDENTIFICATION OF THE DATA CONTROLLER

European Innovation Council and SMEs Executive Agency (EISMEA), Team leader of C.01 - Anti-Fraud, Internal & Ex-post Controls.

GROUND FOR THIS RECORD (*select relevant ground*)

- Record of a new type of processing activity of personal data (before its implementation)
- Record of a processing activity of personal data that is already in place (ex-post) (*consider the need for a non-compliance report*)
- Change/Amendment/ Update of an already existing previous record (or previous notification to DPO)

DESCRIPTION OF THE PROCESSING ACTIVITY

The processing operation relates to personal data for ex post audits of beneficiaries, on the use made of EU funds in the grant agreements managed by EISMEA. These audits are carried out mainly by external contractors based on framework contracts to which EISMEA is part of. EISMEA gives mandate to those external contractors to perform the control on the spot.

The ex post control function of the Agency was created with effect from 1st June 2005. At present, it is part of the Team C.01 "Anti-Fraud, Internal and Ex post Controls". The ex post control is an independent function and it is not involved in project management. It is independent from operational units that manage projects and from ex ante controls.

The purpose of the ex post control function of the Agency is to contribute to the sound management of the EU funds. To that end, the ex post control function assists the Director and Management in assessing the regularity and legality of the financial transactions under the EU programmes that the Agency implements and hereby contributing to the Director's Annual Declaration of Assurance as part of the Annual Activity Report.

Another purpose of the ex post control team is to improve the internal control system of both the Agency and the beneficiaries with a view to reducing error rates in future payments.

The scope of the ex post control encompasses all projects of the programmes managed by the Agency, except projects under Horizon 2020/Horizon Europe for which the Common Audit Service of the Common Implementation Centre of the European Commission Directorate-General for Research and Innovation is in charge of ex post controls for the Research and Innovation Family.

¹ [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 (OJ L 295/39 of 21.11.2018).

1. INFORMATION ON THE PROCESSING ACTIVITY of Ex Post Controls

This processing activity is performed in accordance with **Regulation (EU) No 2018/1725**² on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

1.1. The Data Controller is:

Team Leader of Anti-Fraud, Internal and Ex post Controls (C.01) at the European Innovation Council and SMEs Executive Agency (EISMEA), B-1049 Brussels and can be contacted at: EISMEA-EPC@ec.europa.eu.

1.2. The following entities are acting (or may act) as Processors:

- Deloitte Réviseurs d'entreprises, Gateway Building, Luchthaven Brussel Nationaal 1J 1930 Zaventem, Belgium, BE-EISMEA-Audit@deloitte.com.
- BDO LLP, 55 Baker Street, London, W1U 7EU, UK, eisMEA@bdo.co.uk
- PKF Littlejohn LLP, 15 Westferry Circus, Canary Wharf London, E14 4HD, UK, eisMEA-pkf@eu-audits.eu

1.3. The legal basis for the processing based on Article 5(1) of Regulation 2018/1725:

- (a) the 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 body³ in relation with Article 74(5) and (6) of the EU Financial Regulation⁴, and the corresponding articles on audits and checks of the grant agreements to be audited;
- (a2) the processing is necessary for the **management and functioning** of the Union Institutions or bodies (Recital (22) of Regulation 2018/1725);
- (b) the processing is necessary for **compliance with a legal obligation** to which the controller is subject;
- (c) the processing 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;
- (d) the data subject has given **consent** to the processing of his or her personal data for one or more specific purposes;
- (e) the processing is necessary in order to protect the **vital interests** of the data subject or of another natural person.

1.4. The purpose of this processing is to ensure the legality and regularity of the use of the EU funds in the framework of the grant agreements signed by EISMEA.

Financial audits of grant agreements aim at verifying that beneficiaries and their subcontractors or third parties comply with the contractual provisions, in order to assess the legality and regularity of transactions underlying the implementation of the EU budget.

1.5. The categories of data subjects concerned by this processing are:

Staff of beneficiaries of EU funds managed by the Agency, staff of their contractors and subcontractors. It may also encompass staff of affiliates or other third parties participating in EU funded projects.

1.6. The following personal data are collected:

All relevant Personal data that may be requested by the Agency to verify that the co-financed action is properly managed and performed in accordance with the provisions of the grant agreements such as Name, Function, Grade, Activities and expertise, CV, Professional address, Timesheets, Salary, Employment

² [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 (OJ L 295/39 of 21.11.2018).

³ Establishment Act: [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 (OJ L 50/9 of 15.2.2021).

[Commission Decision C\(2021\)949](#) delegating powers to the **European Innovation Council and SMEs Executive Agency** with a view to the performance of tasks linked to the implementation of Union programmes in the field of Innovative Europe, Single Market and Interregional Innovation Investments comprising, in particular, implementation of appropriations entered in the general budget of the Union.

⁴ [Regulation \(EU, Euratom\) 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, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193/1 of 30.07.2018).

contracts Accounts, Cost accounting, Missions, Information coming from local IT systems⁵, Supporting documents linked to travel costs, Minutes from mission and other similar data depending of the nature of the action.

No personal data which falls under Article 10 of Regulation (EU) 2018/1725 will be collected.

This list of data requested is indicative, without prejudice for the Agency and its contractors to ask any other relevant information as foreseen under the relevant Articles of the grant agreements.

The above-mentioned personal data are **mandatory** for the purpose outlined above.

1.7. The recipients to whom the personal data may be disclosed are the Director of the Agency, Heads of Departments, Heads of the responsible operational and financial Units and their teams, the Team Leader and relevant members of the Anti-Fraud, Internal and Ex post controls team, the legal team of EISMEA, if legal advice is required, staff of the European Commission services in charge of projects monitoring and implementation of audit results, authorised staff of the Agency and the European Commission, the staff of the external contractor performing the audit and the staff of their subcontractors directly related to the audit, as well as bodies charged with monitoring or inspection tasks in application of EU law (e.g.: Internal Audit Service (IAS), European Court of Auditors (ECA), European Public Prosecutors Office (EPPO), European Anti-fraud Office (OLAF) and European Ombudsman).

1.8. Personal data **will not be transferred** to third countries or international organisations, except if the auditee is located in a non-EU country, in application of Chapter V of Regulation (EU) 2018/1725.

1.9. The processing of this personal data **will not include** automated decision-making (such as profiling).

1.10. The following technical and organisational security measures are in place to safeguard the processing of this personal data: Paper files are stored in locked archives and electronic data is stored in specific repository and data bases with access rights restricted to EISMEA ex post control (EPC) team, authorised staff of the European Commission and staff of the contractors (and of their sub-contractors) on a need-to-know basis.

The contractors are subject to technical and organisational security measures to process personal data (Article II.9.6 of the Framework Contract).

1.11. The personal data concerned will be kept for a maximum period of 10 years after the closure of the audit and will be automatically deleted at the end of this period.

1.12 Data Subjects are informed on the processing of their personal data via a **data protection notice on their rights:**

- to access their personal data held by a controller;
- to request their personal data held by a controller to be corrected;
- to obtain in some situations erasure of their personal data held by a controller, e.g. when data are held unlawfully (right to be forgotten);
- to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;
- of **recourse** at any time to the **EISMEA Data Protection Officer** at EISMEA-DPO@ec.europa.eu and to the **European Data Protection Supervisor** at <https://edps.europa.eu>.

Request from a data subject to exercise a right will be dealt within **one month**.

Any queries concerning the processing of personal data, have to be addressed to the Data Controller indicated above in 1.1. at EISMEA-EPC@ec.europa.eu.

⁵ including the corporate European Commission IT systems for grant management (also used to declare costs) and registration/ validation of participants covered by the EC Record DPR-EC-01024.12.