



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-2020-14-02

Initial approval by Data Controller: *see date of Ares stamp*

Previous Notification (if applicable): DPO-2015-2

Update (s) (if applicable): October 2023

NAME OF THE PROCESSING ACTIVITY

Grant management and registration/validation of participants on the Funding and Tenders Opportunities Portal (eGrant)

IDENTIFICATION OF THE DATA CONTROLLER

European Innovation Council and SMEs Executive Agency (EISMEA), Director and competent Heads of Unit/Heads of Department, SB34, B-1049 Brussels, Belgium

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)
- Change/Amendment/ Update of an already existing previous record (or previous notification to DPO)

DESCRIPTION OF THE PROCESSING ACTIVITY

This processing activity relates to the processing of personal data via the Funding and Tender Opportunities Portal (FTOP) by EU institutions and bodies acting as Joint Controllers for the “Selection of proposals and management of grants” after the “registration and validation of participants in EU programmes and initiatives” delegated to the Agency. This relates to parts of the Horizon Europe Framework Programme (European Innovation Council, European Innovation Ecosystems), the Single Market Programme (SMEs, Market Surveillance, Standardisation, Consumers), the Interregional Innovation Investments Initiative, Pilot Projects and Preparatory Actions.

The registration/validation of participants, the evaluation of proposals, the management of funded actions as well as the design, monitoring and evaluation of Research and Innovation Programmes and other EU Programmes and Initiatives by the EU institutions and bodies requires the processing of personal data in compliance with the Regulation (EU) 2018/1725.

European Institutions and bodies using FTOP (eGrants) have signed a Joint controllership agreement.

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 Grants management and registration/validation of participants on the Funding and Tenders Opportunities Portal (eGrants)

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 (the Regulation).

The evaluation of proposals, the management of funded actions as well as the design, monitoring and evaluation of Research and Innovation Programmes and other EU Programmes and Initiatives by the EU institutions and bodies requires the processing of personal data in compliance with the Regulation. References made to the grants in this document apply by analogy to the prizes, unless otherwise indicated.

1.1. The Data Controller is:

European Innovation Council and SMEs Executive Agency (EISMEA), Director who delegates to the competent Heads of Unit or Heads of Department responsible for the procedure, SB34, B-1049 Brussels, Belgium and can be contacted at EISMEA-ENQUIRIES@ec.europa.eu.

All EU institutions and bodies using the FTOP (eGrants) act as Joint Controllers.

Contact information for each Joint Controller in line with their respective programme(s) of competence relating to the collection and further processing of personal data is provided in section 8 (see Annex '[Contact information list](#)').

The Joint Controllers have signed a Joint Controllorship Arrangement (JCA), the essence of which is provided herewith (see Annex '[Arrangement between the Joint Controllers](#)'). After the signature of the JCA, all references to "Controller(s)" in the annexes of the privacy statement/data protection notice should be understood as referring to Joint Controller(s).

1.2. The following entity(ies) is/are acting as Processor(s) act on behalf of the Joint controllers:

The Joint Controllers may use service providers to implement processing activities as mentioned in the related data protection notice.

1.3. The legal basis for the processing based on Article 5(1) of Regulation (EU) 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 laid down in Union law;
- (a2) the processing is necessary for the **management and functioning** of the Union Institutions, bodies or agencies (Recital (22) of Regulation (EU) 2018/1725) laid down in Union law;
- (b) the processing is necessary for **compliance with a legal obligation** to which the controller is subject, which are laid down in Union law⁴;
- (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

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 *EISMEA Establishment Act*: Commission Implementing Decision (EU) [2021/173](#) of 12 February 2021 establishing the **European Innovation Council and SMEs Executive Agency**, (OJ L 50/9 of 15.2.2021)

EISMEA Delegation Act: Commission Decision C(2021)949 of 12 February 2021 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 In particular: [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 (OJ L 193/1, 30.07.2018);

[Regulation \(EU\) 2021/695](#) of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination;

[Regulation \(EU\) 2021/690](#) of the European Parliament and of the Council of 28 April 2021 establishing a programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme);

[Regulation \(EU\) 2021/1058](#) of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund (I3).

specific purposes as outlined below;

- ☐ (e) the processing is necessary in order to protect the **vital interests** of the data subject or of another natural person.

The consent could be provided through the signature of a declaration of agreement (kept by each Applicant/Beneficiary and provided to the Joint Controller if there is a need for verification), through an opt-in on the Funding & Tenders Portal or through any other means.

You may withdraw your consent at any time.

Cf. the [‘List of processing operations requiring prior consent of the data subject’](#).

1.4. The purpose(s) of this processing is/are to:

Purposes of the processing include the validation of legal existence & status and (in some cases) financial capacity assessment and ownership/control structure assessment of recipients of EU funds, proposal evaluation, grant management and follow-up, dissemination and exploitation of research projects’ results, including in particular:

- Evaluation of proposals;
- Award of funding if the proposal is successful;
- Management of grant agreements, including the follow-up of the publications generated by the projects, prizes, patents, etc.;
- Communication, policy development, and networking activities in relation to the programme⁵, in particular as per the rules of each call for proposals or contest for prizes;
- Design, monitoring and evaluation of Research and Innovation Programmes and other EU Programmes and Initiatives by the EU institutions and bodies;
- Participant (applicants, candidates and tenderers) registration and validation: the verification that the entity exists as a legal entity and that its legal data is correct (legal form, address, etc.), the verification of certain special legal statuses that are used in EU funding programmes;
- The assessment of financial capacity and ownership / control structure of participants (applicants, candidates and tenderers) - under certain circumstances and based on a risk assessment of the Authorising Officer.

Your personal data may also be processed for the purposes of the Early Detection and Exclusion System Database (EDES-Database) managed by the European Commission, in compliance with the Financial Regulation⁶. Information exchanged within the EDES is centralised in this database. The database contains information on economic operators that could represent a threat to the Union's financial interests, on economic operators who are in one of the exclusion situations listed in Article 136(1) of the Financial Regulation and on economic operators on which financial penalties are imposed (Article 138). The EDES foresees the right of the person concerned to be informed of the data stored in the database upon their request to the Commission. The information contained in the database is updated, where appropriate, following a request for rectification or erasure or any modification of data. For more information, please visit the [Early Detection and Exclusion System \(EDES\) page](#).

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

- Concerned staff of Applicants: the legal entities that apply for funding through the submission of proposals for grants or prizes.
- Concerned staff of Beneficiaries: the successful Applicants, i.e. participants in funded projects.
- Staff of contractors.
- Other third parties such as participants in events organised by the beneficiaries, the Agency or their contractors.
- For Participant Register purposes (Participant Identification Code (PIC) central registration and validation purposes): (i) natural persons who are participants to EU tenders / grants / prizes; or (ii) natural persons who represent or act in or have a certain role on behalf of the legal entities participant[-s/-ing] to EU tenders / grants / prizes.
- Personal data of representatives and staff of applicants to accreditations.

⁵ For instance, networking among beneficiaries, as well as among fellows/researchers/staff members (including coordinators and supervisors) through the implementation of alumni services.

⁶ Regulation (EU, Euratom) no 2018/1046 of the European Parliament and of the Council of 18/07/2018 on the financial rules applicable to the general budget of the Union.

This includes, for instance staff of Applicants/Beneficiaries with attributed roles in the proposals/projects (Coordinator Contacts, Participant Contacts, Task Manager, Team Members, self-registrants, prize winners, Legal Representatives (LRs), Legal Entity Appointed Representatives (LEARs), account administrators, natural persons as participants in their personal capacity, natural persons who are owners or governing body members of the participants etc. See full list of roles in the Terms and conditions of the Funding & Tenders Portal)⁷.

The data is collected directly and indirectly from the data subjects. In compliance with the relevant Article of the Grant Agreement⁸, the Applicant/Beneficiary who provides the personal data of their staff or a third party to the Joint Controller shall first provide them with this privacy statement.

1.6. The following personal data are collected:

1.6.1. Identification and contact data

Personal data is collected via the [Funding & Tenders Portal](#) (FTOP). See Annex '[List of identification data](#)', this includes:

- 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 (except for health data in MSCA Special Needs Lump sum call, where this has an effect on the funding);
- The address, city, country, telephone and fax numbers, bank account numbers as well as e-mail addresses provided in the proposal are usually the professional ones related to the legal entity submitting the application. Thus, as a general rule (with the exception of cases where the applicant is a natural person or when self-registrant or account administrator submit their contact details), private addresses or bank account numbers etc. are not processed.

1.6.2. Proposals retained for possible funding and Grant management

For successful proposals, personal data are collected and further processed for the purposes of Grant Agreement preparation and management. For more details please refer to the Annex '[List of Grant preparation and management data](#)'.

1.6.3. Financial Controls and Audits

The detailed description of the processing operations relating to financial controls and external audit for Research projects are described in the record [DPR-EC-03326](#) of the Directorate-General for Research and Innovation, published in the [register of the European Commission Data Protection Officer](#). The privacy statements of the Joint Controllers for external audit and control are published on the [Funding & Tenders Portal](#) and their respective Register of Records.

The above mentioned personal data are **mandatory** for the purpose(s) outline above.

In addition, the **non-mandatory** personal data are collected such as photos, videos, social media accounts etc and can only be processed based on your explicit prior consent as outlined in the related data protection notice.

1.7. The recipients to whom of the personal data will or might be disclosed are:

authorised staff of the Joint Controllers responsible for carrying out each processing operation based on the necessity and data minimisation principles, staff of processors; such staff abide by statutory, and when required, additional confidentiality agreements and bodies in charge of monitoring or inspection tasks in application of Union or national law (e.g. internal audits, Court of Auditors, European Anti-fraud Office (OLAF), European Public Prosecutor Office (EPPO), law enforcement bodies).

For more information please refer to the Annex of '[List of recipients](#)'.

⁷ Terms used by the Funding & Tenders Portal. Read more in the Online Manual.

⁸ E.g. Article 15.2 of the Corporate MGA.

1.8. Personal data **will not be transferred to third countries or international organisations**, except if the data subject is established in a third country and in compliance with Chapter V of the Regulation.

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:

- All data in electronic format (e-mails, documents, uploaded batches of data etc.) are stored either on the servers of the European Commission or of its contractors.
- All processing operations are carried out pursuant to the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.
- The Commission's contractors are bound by specific contractual clauses and confidentiality clauses for processing operations of your data on behalf of the Commission, and by the confidentiality obligations deriving from the General Data Protection Regulation in the EU Member States ('GDPR' Regulation (EU) 2016/679).
- In order to protect your personal data, the Joint Controllers have put in place a number of technical and organisational measures. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of each processing operation.
- Access rights and controls are secured via the EU Login 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 purposes for which they were transmitted and to not further process any irrelevant and excessive data received with the proposals.

1.11. The personal data concerned **will be kept for the time necessary** to fulfil the purposes described above of collection.

In line with the applicable Commission Retention list personal data will be retained for the following periods:

- For beneficiaries receiving EU funding, personal data is retained for 10 years after the end of the year following closure of the action.
- Pursuant to Article 4(1)(e) of the Regulation, and subject to the implementation of appropriate safeguards in accordance with Article 13, limited categories of personal data of beneficiaries for scientific research and/or statistical purposes are kept for up to 25 years⁹, unless you exercise your right to object under Article 23 of the Regulation;
- For unsuccessful applicants, personal data are 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 are retained up to 5 years after the date of the cut-off following the submission of the proposal. Pursuant to Article 4(1)(e) of the Regulation, and subject to the implementation of appropriate safeguards in accordance with Article 13, limited categories of personal data of unsuccessful applicants for scientific research and/or statistical purposes may be retain up to 25 years¹⁰, unless you exercise your right to object under Article 23 of the Regulation;
- For Participant Register operations (i.e. participant registration and legal and financial validation), personal data is kept for 10 years from the end of the year of the last financial transaction¹¹ (e.g. payment, recovery order, etc) of the participant's last legal commitment (e.g. grant agreement, procurement contract, prize agreement) or from the end of the year when the participant last interacted with its profile in Participant Register (messages, uploading documents, etc.);

⁹ Identification (title, name, surname or Researcher ID, when provided) and contact details (e-mail) of scientific staff of beneficiaries.

¹⁰ Identification (title, name, surname or Researcher ID, when provided) of scientific staff of applicants.

¹¹ In EU accounting terms: from the end of the year of the Final Date of Implementation (FDI) in accounting system.

- If an audit has started before the end of the above mentioned periods, the personal data may be kept up to 10 years after the end of the audit.
- If you have to provide a Joint Controller with an extract of your judicial records, it will not be kept for more than two years following the closure of the particular procedure.

In any case, personal data contained in supporting documents are deleted where possible when these data are no longer necessary for budgetary discharge control and audit purpose¹².

The personal data may be further processed for historical, statistical or scientific purposes. The further retention time for this purpose maybe up to 25 years.

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 or a DPO of any other Joint controller 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**.

The right to information, access, rectification, erasure, restriction or objection to processing, communication of a personal data breach or confidentiality of electronic communications may be restricted only under certain specific conditions as set out in the **applicable Restriction Decision** in accordance with Article 25 of Regulation (EU) 2018/1725.

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

¹² After the periods mentioned in point 5 have elapsed, the files containing personal data are sampled to be sent to the historical archives of the Commission for further conservation. The non-sampled files are destroyed.