



## RECORD OF PERSONAL DATA PROCESSING ACTIVITY

*Based on Article 31 of the Regulation (EU) 2018/1725<sup>1</sup> 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-2020-15-02**

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

**Previous Notification (if applicable): DPO-2015-3**

**Update (s) (if applicable):** *October 2023*

### NAME OF THE PROCESSING ACTIVITY

**Registration, Selection and Management of External Experts in the Funding and Tenders Opportunities Portal (eGrants)**

### IDENTIFICATION OF THE DATA CONTROLLER

**European Innovation Council and SMEs Executive Agency (EISMEA)**, Director and competent Heads of Department or Heads of Unit, 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 Tenders Opportunities Portal (FTOP) by EU institutions, bodies and agencies acting jointly as Joint Controllers for the "Registration, selection and management of External Experts" related to the management of 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/selection of external experts for the management of EU funded activities 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.

<sup>1</sup> [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 Registration, Selection and Management of External Experts in the Funding and Tenders Opportunities Portal (eGrants)

This processing activity is performed in accordance with **Regulation (EU) No 2018/1725<sup>2</sup>** 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 registration, selection and management of external experts for the management of EU funded activities 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](mailto:EISMEA-ENQUIRIES@ec.europa.eu).

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

Contact information for each Joint Controller according to the respective programme(s) of competence is provided in Annex (see Annex '[Contact information list](#)').

The Joint Controllers have signed a Joint Controllership Arrangement, 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):

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 body<sup>3</sup> 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 law<sup>4</sup>;
- (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;

<sup>2</sup> [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).

<sup>3</sup> *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.

<sup>4</sup> 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).

- (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.

The consent could be provided through the signature of a declaration of agreement, through an opt-in on the Funding & Tenders Portal or through any other means. Consent may be withdrawn at any time.

**1.4. The purpose(s)** of this processing is/are to register, select and manage external experts on the basis of calls for expression of interest according to Article 237 of the Financial Regulation<sup>5</sup>. In particular, this includes:

- The establishment and maintenance of a database of external experts and delegated actors to assist the Joint Controllers with monitoring and review of actions; opinions and advice in specific cases such as the preparation, the implementation or the evaluation of EU programmes and the design of policies;
- The selection of experts;
- The management of the expert contracts. This includes the management of private legal entity, bank account data and contracts, to be registered in the Commission Accrual Based Accounting System (ABAC);
- The management of the reimbursement of expenses (reimbursement or contributions to travel and subsistence expenses, etc.);
- The payment of fees, where applicable and its publication in case it equals or exceed 15.000 EUR / year in line with the requirements of the Financial Regulation;
- A limited subset of personal information might be used for related communication activities, including surveys.

Personal data of experts 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 Regulation. 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 its request to the Commission. The information contained in the database is updated, where appropriate, following a request for rectification or an 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:

- (i) External experts registered on the Funding & Tenders Portal (FTOP) to assist the European Institutions, bodies and agencies in the evaluation and monitoring of proposals and to provide opinions and advice in specific cases. This includes experts who are members of Commission Expert Groups as set out in Commission Decision C(2016)3301 establishing horizontal rules on the creation and operation of Commission expert groups. In this case, please refer also to the record DPR-EC-00656 of the General Secretariat, relating to the publications in the Register of Commission Expert Groups<sup>6</sup>;
- (ii) Persons appointed and empowered by the external experts to perform data entry and administrative tasks via FTOP on behalf of the external expert (hereinafter referred to as delegated actors).

---

<sup>5</sup> [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.

<sup>6</sup> In addition, the experts appointed as members of such groups will be provided by the respective Controller(s) with another data protection notice/privacy statement relating to the organisation and management of meetings of advisory and other experts groups, at the time they are invited to take part to such a meeting.

## 1.6. The following personal data are collected:

- Registration data: The online self-registration of experts is managed via the [Funding & Tenders Portal](#) (Expert area). The personal data collected when registering online are listed in the annex '[List of registration data](#)';
- Selection and contract management data: Once an expert has been pre-selected<sup>7</sup>, their data is collected for the preparation and management of the expert contract, including payments, declaration of conflict of interest and other administrative documents. The personal data collected is listed in annex '[List of selection and contract management data](#)'.

In case the experts provide further categories of personal data, whenever they are not compatible with the purposes for which the data processing takes place, this data will not be further processed by the Joint Controllers, or will be covered by additional, specific privacy statements.

Special categories of data, as defined in Article 10 of the Regulation<sup>8</sup> are not collected nor further processed by the Joint Controllers, unless necessary for achieving the purposes under Point 2 above. For example, data subjects may provide health-related data on a voluntary basis, in order to request allowances, i.e. reimbursement of possible additional travel and/or accommodation costs relating to any special needs. For this purpose, provided the experts have explicitly agreed in accordance with Art. 10(2)(a) of the Regulation, they may submit a medical certificate and an estimation of the additional costs through the FTOP at the time of introducing supporting documents for their cost claims. If received by email, such data will not be retained longer than required to provide a response or process the request, unless necessary for achieving the purposes above.

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

In addition, the **non-mandatory** personal data may be collected like photos, videos, social media account etc. and can only be processed based on explicit prior consent.

If personal data **has not been obtained directly** from the data subject eg in case of public available personal data, its source will be indicated. For more details, please see annex '[Detailed description of the processing](#)'.

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

### 1.7.1. EU institutions, bodies and agencies

Access to personal data of experts is provided to authorised staff of the Joint Controllers responsible for carrying out each processing operation based on the necessity and data minimisation principles. Such staff abide by statutory, and when required, additional confidentiality provisions.

Where necessary, the Joint Controllers may also share personal data with their contractors for the purposes described above.

Unless opted out (unticking the corresponding box), by default, the expert profile will be visible and accessible by all funding programmes of the EU Institutions, bodies and agencies. This could include programmes or initiatives other than the ones listed on F&T Portal at the time of registration.

### 1.7.2. Research Funding Bodies with a public service mission based in EU/EEA countries

Subject to a case-by-case evaluation in accordance with the provisions of the privacy statement, access to registration data by other research funding bodies in EU/EEA countries may be granted only upon prior explicit consent to the disclosure, in compliance with Article 5(1)(d) of the Regulation.

A tick box will authorise the corresponding disclosure in the Expert area of the F&T Portal.

### 1.7.3. Research Funding Bodies with a public service mission based in third countries (International transfers)

---

<sup>7</sup> Contacted but not necessarily yet contracted.

<sup>8</sup> Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning sex life or sexual orientation.

Subject to a case-by-case evaluation in accordance with the provisions of the privacy statement, the Joint Controllers may transfer personal data to research funding bodies with a public service mission in third countries, associated to Horizon Europe or to other EU funding programmes in accordance with the Regulation for the purposes of the processing described above. A tick a box will authorise the corresponding disclosure in the Expert area of the F&T Portal.

In such cases, the Joint Controllers will transfer personal data based on:

- Adequacy decision of the Commission for a specific country/commercial sector (Article 47 of the Regulation);
- In the absence of adequacy decision or of appropriate safeguards pursuant to Article 48 of the Regulation, explicit consent, provided in the Expert area of the Funding & Tenders Portal.

For each category of processing operations requiring prior consent, the data subjects who have opted-in are free to withdraw their consent at any time.

The information we collect will not be given to any other third party, except to the extent and for the purpose we may be required to do so by law, including to 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), law enforcement bodies).

For the full list of recipients please consult the annex '[List of recipients](#)'.

**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 Agency, 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 contractors of the Joint Controllers are bound by specific contractual clauses and confidentiality clauses for processing operations of data on their behalf, 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 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 or further processing.

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



- For contracted experts: 10 years after the end of the Multiannual Financial Framework (MFF) during which the contract has been signed;
- For non-contracted experts<sup>9</sup> (who have completed their profile): 5 years after the end of the MFF during which the expert registered or at the end of the following MFF if the expert has explicitly agreed that data are kept until then.
- The personal data of delegated actors is retained for the duration of his/her appointment by the expert, in any case no longer than the retention period of the delegating expert. Legal Entity (LE) Files and Bank Account (BA) Files are also stored in the Accrual Based Accounting (ABAC), for which the retention policy is indicated in the corresponding record.
- Should the need arise to obtain extracts of judicial records for detection of fraud related to the contract or sanction procedures according to the Financial Regulation, those extracts shall not be kept longer than two years after the conclusion of the particular procedure.

Supporting documents relating to budget implementation are kept for at least **five years** from the date on which the European Parliament grants discharge for the budgetary year to which the documents relate<sup>10</sup>. The personal data contained in this type of supporting documents shall be deleted when those data are not necessary for budgetary discharge, control and audit purposes.

After each Multiannual Financial Framework, experts are asked to indicate if they wish for their data to be retained in the database of experts beyond this date in order to be considered for assignments for the forthcoming programmes. If they do not wish to be considered for future assignments, their data are deleted after the end of MFF.

In accordance with Article 4(1)(e) of the Regulation, personal data may be retained and further processed for longer periods insofar as it is necessary for archiving purposes in the public interest, scientific, statistical or historical research purposes.

In case health data are provided by the expert to the Joint Controller for accommodation, transportation or logistical purposes, any supporting documents containing these data are deleted when these data are no longer necessary for budgetary discharge control and audit purposes.

The personal data may be further processed for historical, statistical or scientific purposes. The further retention time for this purpose may be 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](mailto:EISMEA-DPO@ec.europa.eu) or the DPO of a 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 Data Controller indicated above in 1.1. at [EISMEA-ENQUIRIES@ec.europa.eu](mailto:EISMEA-ENQUIRIES@ec.europa.eu).

\*\*\*

<sup>9</sup> Which includes registered, pre-selected, selected and with Legal entity and bank account validated in ABAC but not contracted and/or paid.

<sup>10</sup> In compliance with Article 75 of the Financial Regulation.