



EUROPEAN COMMISSION
Executive Agency for Small and Medium-sized Enterprises (EASME)

RECORD OF PERSONAL DATA PROCESSING ACTIVITY

Based on Article 31 of the Regulation (EU) No 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 EASME data controller has to maintain a record of the processing activities under his/her responsibility.

Record No: R-2020-17

Initial approval by Data Controller: [see date of Ares signature](#)

Previous Notification(if applicable): n/a

Update (s) (if applicable): n/a

NAME OF THE PROCESSING ACTIVITY

Handling of European Ombudsman inquiries

IDENTIFICATION OF THE DATA CONTROLLER

Executive Agency for Small and Medium-sized Enterprises (EASME), Director

GROUND FOR THIS RECORD

- 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

The Agency processes personal data when handling complaints or inquiries from the European Ombudsman related to investigations in possible cases of maladministration received directly from the European Ombudsman or Commission services, which may process personal data in dedicated data bases (see [EC-Record-00839](#)).

The Agency Director may delegate the handling of the European Ombudsman inquiries to the responsible authorising officer in the Agency to coordinate and follow-up the reply to the European Ombudsman as well as to the complainant and involved Commission services, if applicable.

The personal data may be further processed for procedures before the EU Courts, national courts, or the European Court of Auditor, archiving and statistical purposes.

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

for the handling of European Ombudsman inquiries

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:

The Director of the Executive Agency for Small and Medium-sized Enterprises (EASME) who can delegate the handling of the Ombudsman inquiry to the responsible authorising officer in the Agency which can be the competent Head of Department, Head of Unit and can be contacted at EASME-LEGAL-ADVICE@ec.europa.eu.

1.2. The following entity(ies) is/are acting as Processor(s): not applicable.

1.3. The legal basis for the processing based on Article 5(1) of Regulation (EU) No 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;
- (a2) the processing is necessary for the **management and functioning** of the Union Institutions or bodies (Recital (22) of Regulation (EU) No 2018/1725) and in particular Rules governing the official traineeships scheme of the European Commission and the Service Level Agreement between the Agency and the European Commission;
- (b) the processing is necessary for **compliance with a legal obligation** to which the controller is subject⁴;
- (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 for not mandatory personal data provided in the complaint⁵;
- (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 activity is to handle, coordinate and follow-up complaints or inquiries from the European Ombudsman related to investigations in possible cases of maladministration received directly from the European Ombudsman or Commission services, to reply to the European Ombudsman, the complainant and involved Commission services, if applicable. The personal data may be further processed for procedures before the EU Courts, national courts or the European Court of Auditor, for

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 [Act of Establishment](#): Commission Implementing Decision C(2013/771/EU) of 17 December 2013 establishing the 'Executive Agency for Small and Medium-sized Enterprises' and repealing Decisions 2004/20/EC and 2007/372/EC.

Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes.

Act of Delegation: Commission Decision C(2013)9414 of 23 December 2013 delegating powers to the Executive Agency for Small and Medium-sized Enterprises with a view to the performance of tasks linked to implementation of the Union programmes in the field of energy, environment, climate action, competitiveness and SMEs, research and innovation and ICT, comprising in particular implementation of appropriations entered in the general budget of the Union.

⁴ Articles 20, 24 and 228 of the [Treaty](#) on the Functioning of the European Union (TFUE); Article 43 of the Charter of Fundamental Rights of the European Union; [Decision](#) of the European Parliament of 9 March 1994 on the regulation and the general conditions governing the performance of the Ombudsman's duties adopted by the Parliament on 9 March 1994 (OJ L 113/15 of 4.5.1994) and amended by its decisions of 14 March 2002 (OJ L 92/2 of 9.4.2002) and 18 June 2008 (OJ L 189/25 of 17.7.2008); The Ombudsman has adopted provisions implementing that decision and the [European Code of Good Administrative Behaviour](#).

⁵ The processing of special categories of personal data provided by the complainant may also be covered by the exception of Article 10(2)(g) of Regulation 2018/1725 ('processing is necessary for reasons of substantial public interest').

archiving and statistical purposes.

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

- Any staff member of the Agency or Commission or external persons who refer a complaint or inquiry to the European Ombudsman for alleged instances of maladministration;
- Any staff member to the Agency or Commission or external persons, who are concerned by the complaint or inquiry to the European Ombudsman.

1.6. The following personal data are collected:

- Identification and contact data, various personal data communicated to in the complaint of inquiry of the European Ombudsman in the context of inquiry,
- Identification and contact data of Agency or Commission staff involved in the handling of the inquiry;
- Any other personal data spontaneously provided by the complainant in his/her complaint, which may include personal data of individuals other than the complainant, or
- Personal data held by the Agency relating to the subject matter of the complaint.
- Sensitive personal data in the sense of Art 10 of Regulation 2018/1725 may be contained in the complaint or the underlying documents.

The above-mentioned personal data are **mandatory** for the purpose outline above. Any additional personal data provided and not relevant for the processing will be disregarded.

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

- The Director of the Agency, competent Head of Department, Head of Unit, Head of Sector, team leader, legal advisor, data protection officer of the Agency;
- authorised staff of the Agency responsible for the handling of the European Ombudsman inquiry;
- The European Ombudsman and its competent staff as well as competent staff of Commission services.

Also, if appropriate, access will be given to:

- the European Commission's Internal Audit Service;
- the European Court of Justice;
- the Anti-Fraud Office of the European Commission (OLAF);
- the European Court of Auditors ;
- the European Data Protection Supervisor.

1.8. Personal data **will not be transferred to third countries or international organisations**, except if the complainant resides outside the European Union.

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:

The collection and processing of personal data is carried out with the required confidentiality for handling this type of inquiries in the EU institutions. The personal data is stored on central servers of the European Commission or the Agency. Access rights to personal data are provided only to authorised Agency staff on a need to know basis via password protected computers by means of a secure Web interface using Commission's standard IT resources and telecommunications infrastructure subject to the Commission's security decision. Paper documents are kept in locked cupboards.

1.11. The personal data concerned **will be kept for a maximum period of 5 years** after closure of the file. After that period the file may be transferred to the Historical Archives.

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 **Data Protection Officer** of the Agency at EASME-DPO@ec.europa.eu and to the **European Data Protection Supervisor** at <https://edps.europa.eu>.

Restrictions in particular for the right to information, access, modification or cancellation in accordance with Article 25 of Regulation (EU) No 2018/1725 may apply in case of pre/investigations for irregularities or anti-fraud in order not to jeopardize potential investigations.

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. via EASME-LEGAL-ADVICE@ec.europa.eu.
