



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-2020-13

Initial approval by Data Controller: *see the date of Ares signature*

Previous Notification: EC-DPO-3900.1

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

NAME OF THE PROCESSING ACTIVITY

Application, evaluation and management of projects and selection and management of experts under the LIFE programme (outside Funding & Tender portal)

IDENTIFICATION OF THE DATA CONTROLLER

Executive Agency for Small and Medium-sized Enterprises (EASME), Head of Unit B.3 LIFE – CIP Eco-innovation

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

Personal data gathered by the Agency and its contractors (the “monitoring contractor” and the “evaluation contractor”) in the framework of the calls for proposals, applications for funding, evaluation of proposals, grant agreement preparation and grant management including payment and follow-up under the Programme for the Environment and Climate Action (‘LIFE- programme’)² as well as for the selection and management of LIFE experts.

Grant applications are mainly received in electronic format in response to calls for proposals under the LIFE programme, if necessary with the participation of an ad-hoc Committee for reported on-line submission problems to examine cases of late or failed submission. Grants applications can also be received in paper format (i.e. LIFE NGO call for operating grants), if necessary with the participation of an Opening Committee.

In general, applications have to be submitted by the legal representatives of the legal person entities applying for funding, including personal information of applicants or beneficiaries' or sub-contractors' staff taking part in the action.

Proposals (concept note and full proposal) are usually evaluated during a two stage process against the admissibility/eligibility, exclusion, selection and award criteria by an Evaluation Committee appointed by the authorising officer and composed of Agency and Commission staff and with the contributions of external expert evaluators contracted by the evaluation contractor. Members of all Committees sign a declaration of absence of

¹ [Regulation \(EU\) No 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).

² [Regulation \(EU\) No 1293/2013](#) of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 (OJ L 347/185 of 20.12.2013).

conflict of interest and confidentiality. Only applicants with the best ranked concept notes (or, for NGO Operating grants, with the best FPA proposals) will be invited to submit a full proposal. In case of a 1-stage application process, this step is left out.

In case a grant is awarded, grant agreements are signed, either with a single beneficiary or with multiple beneficiaries (consortium). In case a grant is not awarded, the Agency provides the reasons for the rejection of the grant application, in particular with the reference to the eligibility, selection and award criteria. Rejected applicants are informed as soon as possible of the outcome of the evaluation of their application, at the latest within 15 calendar days after information has been sent to successful applicants. Unsuccessful grant applicants are informed about the possibility to request a review of the admissibility/ eligibility or the evaluation of their proposal². Specific Review Committees are appointed by the Authorising Officer of the Agency to advice on alleged procedural shortcomings of the evaluation of proposals. The Review Committee members are staff of the Agency and the competent parent DG and sign a declaration of absence of conflict of interest and confidentiality (see Annex V).

The existing and fully operational **online services** consist of 4 stand-alone web based systems that are intertwined:

- **eProposal** for electronic proposal submission: Each proposal is attributed a unique identifier upon creation. Applicants have access to their own proposals/draft proposals after authentication into the system. The staff of the Agency for 'traditional projects' (pilot, demonstration, information and communication projects) and of the Commission have reading access for all projects and each of them has reviewing access to the projects attributed to them (e.g. for revision, validation of amendments). No other user but the applicant itself can alter the proposal data. The external experts have reading access during the Call evaluation and revision phase only to the proposals allocated to them. National Contact Points have access to individual proposals based on the proposal area of impact, if the applicant previously agrees to this.

- **ESAP**: Information system supporting the evaluation, selection and award procedure for the LIFE proposals. It contains the draft and final evaluations prepared by external experts contracted for the evaluation. After the creation and submission of the proposals in eProposal and after the Call submission deadline has been reached, the correctly submitted proposals get imported from eProposal into ESAP. Only a limited subset of data is made available for the given call and type of action (list of Applicants, contact details, proposal short summary, acronym, activity topic, where applicable panel and/or keywords) mainly for call coordinators and staff directly involved in the management of evaluations. The Call Coordinator and the internal and external (if assigned to the proposal) evaluators for the evaluation of the proposals do have access to the proposal data in both eProposal and ESAP.

- **BUTLER**: document repository and register of information on project workflows for the technical and financial management of LIFE projects (evaluation of reports, reports on missions, evaluations of requests or substantial amendments, letters). Since 2015, BUTLER also contains the evaluations and mission reports and gives the authorised users access to the grant agreements (in the case of grant agreements as of the Call 2012 including the amended grant agreements). As of 2016, incoming and outgoing letters are directly registered in the Commission's document management system (ARES) via BUTLER. At present, the external monitors supporting the Agency and the Commission in the project management have reading and uploading access regarding the projects attributed to them. Only authorised staff of the Agency and of the Commission has full reading and uploading and downloading access to all projects registered in BUTLER and editing rights for the projects assigned to them. BUTLER has a dissemination module that is linked to the public LIFE data base. It contains project summaries, background, objectives, results and the details of the coordinators and is linked to dissemination metadata. The publishing on the public LIFE database is done from BUTLER.

- **LIFE Public Database** provides the public part of the projects funded under the LIFE programme. The publishing is done from BUTLER using the dissemination module. The project individual page contains data of the project and a extra information as metadata. The external Editor assigned on the project in BUTLER is in charge of the project information displayed and the publishing is only done with the authorization of the staff of the Agency/Commission assigned on the same project.

- In addition, the Agency holds a **KPI database**, where indicators on impacts by each individual project are stored. It is linked to the general project data in BUTLER. Agency staff and monitoring experts have access to data stored in the KPI database with a password.

- Finally, the external monitoring contractor uses LIFETrack Dory an internal project monitoring tool developed on the IBM Notes platform. Additionally it yields data on the number and types of outputs produced for the contractor's formal reporting to the Agency. The external experts' access is restricted only to the documents required for the individual expert's work. This tool is hosted in a server within the EU.

Monitoring experts are selected by the monitoring contractor and applications, including CVs and letters of motivation, are treated and stored in line with the provisions of the contractual data protection rules. The experts are pre-selected by the contractor based on predefined eligibility and selection criteria, and confirmed by the Agency. All experts working for the contractor sign a standard data protection statement.

Evaluation experts are selected by the evaluation contractor. There are permanently open calls for interest, where experts register themselves in the respective database and adhoc calls (e.g. to reinforce certain expertise), feeding the same database. Experts are pre-selected by the contractor based on predefined eligibility and selection criteria, and confirmed by the Agency. All experts working for the contractor sign a standard data protection statement. Data is stored in a password protected database hosted on servers based in the EU. Data is available only to the contractor and Agency staff who have the necessary credentials (login and password).

1. INFORMATION ON THE PROCESSING ACTIVITY of Grant and experts management under the LIFE programme (outside F&T portal)

This processing activity is performed in accordance with **Regulation (EU) No 2018/1725**³ 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:

Head of Unit B.3 at the Executive Agency for Small and Medium-sized Enterprises (EASME), Place Charles Rogier 16, B-1049 Brussels and can be contacted at: EASME-LIFE-ENQUIRIES@ec.europa.eu.

1.2. The following entity(ies) is/are acting as Processor(s):

- *Monitoring contractor:* NEEMO EEIG, Merzhauser Str. 183, 79100 Freiburg, Germany
- *Evaluation contractor:* Stantec sa/nv (formerly MWH sa/nv), Nysdam Office Park, 92 Avenue Reine Astrid, B-1310 La Hulpe, Belgium.

The independent expert evaluators, reviewers and other contractors are working on behalf of and under the responsibility of the Agency or the Commission for the purposes of proposal evaluation, grant management (including checks and reviews), action reporting and Research networking. Any processing operations performed on behalf of the Agency/Commission by contractor(s) (Processor(s)) are subject to Article 23 of Regulation (EU) No 2018/1725 and the subsequent obligations of the Processor(s) are made mandatory via a dedicated contractual clause and other specific instructions provided by the Agency in the context of the implementation of their service contract.

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 body⁴;
- (a2) the processing is necessary for the **management and functioning** of the Union Institutions or bodies (Recital (22) of Regulation (EU) No 2018/1725);
- (b) the processing is necessary for **compliance with a legal obligation** to which the controller is subject, which are publication of beneficiaries' data to comply with EASME's obligation to publish information on the beneficiaries of funds deriving from the budget of the Union;
- (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 for non-mandatory personal data** 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 purposes of this processing are to collect personal data by the Agency and its contractors to

- 1) allow the selection, evaluation, of proposals for funding and management and implementation grants under the LIFE programme throughout the whole project lifecycle,
- 2) allow the selection and management of experts to evaluate proposals or monitor projects

in particular:

³ [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).

⁴ EASME 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 and Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 (OJ L 347/185 of 20.12.2013).

- Receipt, registration and acknowledging of receipt of grant proposals.
- Compliance checks against the admissibility, exclusion, eligibility and selection criteria.
- Evaluation of proposals and their ranking, including information sharing with external monitors and independent external experts and members of the evaluation committee, including staff of the European Commission and of the Agency.
- Communication with the applicants and beneficiaries, related to the proposals, grant and project management or related to the programme; follow-up activities of the event/related to the topic of the event, including feedback collection and specific, related communication activities.
- Grant agreement preparation and management.
- Financial management including transactions in the Commission's accounting system and payment.
- Publication of project summaries.
- Statistics, reporting and information relating to management, monitoring, policy feedback, mid-term and final assessment of the LIFE programme and other initiatives such as project mapping, client's (beneficiaries/contractors) satisfaction surveys and similar.
- Security clearance for access to Agency and Commission building.

1.5. The categories of data subjects concerned by this processing are any citizens or residents of the European Union or third countries being:

- 1) 'Key personnel', i.e. responsible managers and other staff of the applicant or beneficiary participating in the action;
- 2) legal representatives of applicants or beneficiaries;
- 3) contact persons / coordinator of applicants or beneficiaries;
- 4) staff of sub/contractors;
- 5) authorised staff of the European Commission or of the Agency;
- 6) experts to support proposal evaluation and grant management.

1.6. The following personal data are collected:

- Identification data: first name, last name; position/function; date of birth, nationality (may be requested with CVs, see below), ID number, passport number (may be requested if meetings in Agency/Commission buildings are organised);
- Contact details: telephone, mobile, e-mail, fax, website; Street address, post code, country;
- VAT number of the organisation (if applicable); bank account details of the organisation/expert (Legal Entity Form and Bank Account Form) which can only include the identification data of the legal representative;
- Declaration on the honour that the organisation/person does not fall within exclusion criteria;
- Curriculum vitae containing the relevant experience, employment history, education, academic background, training, personal skills, competences, languages, technical skills, date of birth, nationality;
- Staff category which may include hourly rates.

The personal Data is provided directly by the data subjects or the organisations they belong to. Authorised staff of the Agency and its evaluation and monitoring contractors collecting these personal data are aware that only relevant and necessary data may be processed.

The above mentioned personal data are **mandatory** for the purpose(s) outlined above. In addition, **non-mandatory** personal data might be collected during the project implementation for example pictures, web streaming of events or videos.

1.7. The recipients to whom the personal data will or might be disclosed on a need-to-know basis are:

- The Controller (Head of Unit LIFE), Head of Sectors LIFE;
- The Director of the Agency, Head of Department B, Head of Unit Finance; Head of Unit partner DGs;
- authorised staff of the Agency and Commission involved in the evaluation of LIFE proposals, in the monitoring and control of LIFE project implementation (i.e. policy and project officers and advisers, financial officers, legal officers, officers in charge of audit, administrative assistants);

- authorised staff of the external monitoring contractor;
- authorised staff of the external evaluation contractor;
- authorized Agency and Commission staff involved in Ad hoc, Opening & Review Committees;
- external evaluator experts;
- bodies charged with monitoring or inspection tasks in application of EU law (e.g. internal audit services, European Court of Auditors, European Anti-fraud Office – OLAF).

1.8. Personal data will not be transferred to third countries or international organisations.

All servers on which personal data is stored are located in the EU. This includes also the servers of the external contractors.

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 Agency stores personal data on password protected computers in files with restricted access on servers of the Agency/Commission and in locked cupboards in personal offices or archives. IT tools use EU login protection and access rights restrictions apply. The Agency is subject to the **European Commission's security Decision 2017/46** of 10 January 2017, replacing the former Commission decision ([C\(2006\)3602](#)) of 16 August 2006 on the security of information systems used by the European Commission. The evaluation and monitoring contractors abide to the same rules. Members of the Committees sign a declaration of confidentiality and of absence of conflict of interests, including external expert evaluator and observers. Access to the building is subject to security clearance, including for the evaluation and monitoring contractors.

1.11. The personal data concerned will be kept for a maximum period of ten years after the end of the LIFE programme for successful grant applicants. When the length of a project is superior to this, the data will be kept for 5 years after their end for auditing purposes.

For unsuccessful applicants **five years** after the end of the particular procedure to allow for all possible appeals. This applies also to data contained in previous, outdated versions of proposals and in withdrawn proposals. Data will be 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 **Agency Data Protection Officer** at EASME-DPO@ec.europa.eu and to the **European Data Protection Supervisor** at <https://edps.europa.eu>.

In case of pre-investigations linked to potential irregularities or OLAF investigations, restrictions based on Article 25 of Regulation (EU) No 2018/1725 may be put in place such as to the right to information, access, erasure or correction of personal data held by the data controller or the right to be forgotten in order not to infringe the related 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. at EASME-LIFE-ENQUIRIES@ec.europa.eu.
