



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 2018/1725<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 EASME data controller has to maintain a record of the processing activities under his/her responsibility.*

**Record No: R-2020-16**

**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

**Request for access to documents**

### 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 initial and confirmatory requests for access to documents lodged under [Regulation \(EC\) No 1049/2001](#).

When handling requests for access to documents, the Agency collects and further processes personal data, via a public IT application form or via electronic communications (internally among the Agency and Commission staff and externally with the applicant).

The processing operations may involve: - Receipt of the initial and confirmatory request through different communication channels, - Sending an acknowledgement of receipt to the applicant, - Analysis of the request, including defining the scope, assessing possible disclosure of documents originating from the EACEA or third parties; consultation with third parties, assessing public access to personal data contained in documents, - Taking a decision on the request, - Informing the applicant of the decision to fully or partially disclose or to refuse the disclosure of documents or information.

<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 access to documents requests

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.

## 1.1. The Data Controller is:

The Director at the Executive Agency for Small and Medium-sized Enterprises (EASME) who may delegate to competent Head of Department (negative or partial initial request) or Head of Unit (positive initial request), Place Charles Rogier 16, B-1049 Brussels and can be contacted at: EASME-ACCESS-TO-DOCUMENTS@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 body<sup>3</sup>;
- (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<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;
- (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 as mentioned below;
- (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 handle initial and confirmatory requests for access to documents lodged under [Regulation \(EC\) No 1049/2001](#) and to further process for archiving purposes to allow preservation and retrieval of important information, especially in cases where further follow up is required such as in the case of European Ombudsman enquiries or proceeding before the EU Courts.

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

Applicant and any natural person whose personal data falls in the scope of the request for access to documents.

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<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> [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.

<sup>4</sup> [Regulation \(EC\) No 1049/2001](#) of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145/43 of 31.5.2001).

**1.6. The following personal data** are collected:

- Personal data provided by the applicant: surname, first name, contact details, subject of the request (if it relates to an identified or identifiable data subject);
- Personal data contained in the documents requested under Regulation (EC) No 1049/2001, as well as contained in the reply to the request and in related correspondence with the applicant or third parties.
- In case of reasonable doubts about the identity of the natural person making the request to access documents, the Agency may ask the applicant to provide a copy of an identification document (for example, a passport or identity card) in order to verify his/her identity and his/her postal address. The identification document should contain the applicant's name and, if applicable, his/her postal address, while any other data such as a photograph or any personal characteristics may be blacked out. This identification document will be immediately deleted after its verification.

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

Any additional personal data provided by the applicant 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 leaders, legal advisors, data protection officer and authorised staff of the Access to Documents team of the Agency.
- Authorised staff of the Agency and the Commission responsible for the handling of the initial and confirmatory requests.

Also, if appropriate, access will be given to:

- the European Commission's Internal Audit Service;
- the European Ombudsman;
- 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 applicant resides outside the EU.

**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:

Data collection and processing is carried out with the required confidentiality for handling requests in the EU institutions. The personal data are stored on central servers of the European Commission or Agency. Access rights to files are provided only via password protected computers to authorised Agency or Commission staff on a need to know basis 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** following the closure of the initial or confirmatory request under Regulation (EC) 1049/2001. In case an identification document is requested, it will be immediately deleted after its verification.

**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](mailto: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-ACCESS-TO-DOCUMENTS@ec.europa.eu](mailto:EASME-ACCESS-TO-DOCUMENTS@ec.europa.eu).

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