

## Privacy statement regarding the internal audit process at the European Institute of Innovation and Technology<sup>1</sup>

This privacy statement provides information relating to the processing of personal data carried out by the European Institute of Innovation and Technology within the framework of internal audit process.

The processing of personal data follows the provisions of 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<sup>2</sup> (hereinafter “the Data Protection Regulation of the European institutions”).

### **What is personal data and what is a personal data processing operation?**

**Personal data** shall mean any information relating to an identified or identifiable natural person (‘data subject’). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, and identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

**Processing** means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

### **Who is the controller of the data collection?**

The data controller is the Head of Internal Audit Capability of the EIT.

### **What is the purpose of the personal data collection?**

The processing operations are intended to allow for the identification, analysis, evaluation and recording of the information required to perform audit tests and procedures. These serve as the basis for the observations and recommendations communicated to achieve the overall objectives of the internal audit process.

### **Who are the data subjects?**

Data subjects can include any individual or group of people whose data is collected and retained by EIT in the context of Internal Audit, including for instance staff members of EIT, members of Governing Board, employees of beneficiaries, employees of tenderers, external experts, etc.

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<sup>1</sup> In line with the IAC Charter, the process includes assurance and consulting activities.

<sup>2</sup> OJ L 295, 21.11.2018, p. 39–98

### **What types of personal data are collected?**

Depending on the nature and the scope of audits, the Internal Auditor (IA) has full access to personal data processed by the EIT and recorded by any means (on paper, electronically, etc), which is relevant for and serves the purpose of the specific audit exercise. In the course of his duties the IA will process (i.e. handle) such personal information as described above.

As a general rule, the information presented in the final audit reports and consultancy reports shall be anonymised.

### **Who has access to the personal data (data recipients)?**

#### **1) EU institutions and bodies:**

- **Within the EIT:**

In most cases, the processed personal data would be stored in audit working papers internal to the Internal Audit Capability, which are not communicated to outside recipients. They may be shared with the auditee and/or the data subject for validation purposes.

Audit reports are delivered to the Internal Control Coordinator of the EIT, the Director, the Governing Board, the EIT Audit Committee and to the auditee or auditees (and person(s) appointed by the auditee as contact point(s), if applicable). In this context the auditee refers to the head of the unit being audited and not necessarily all the individual data subjects. Transmission of this report by the auditee within her or his own service is decided by the auditee.

- **Within the other EU institutions and agencies:**

Copies are made available to the Internal Audit Service of the European Commission and the European Court of Auditors.

#### **2) Third parties subject to the GDPR<sup>3</sup> and third parties not subject to the GDPR:**

Exceptionally and if necessary, information concerning the internal audit may be disclosed to external lawyers (advocates) subject to the GDPR for specific and limited purposes only. In this case a written contract (service contract) is signed between the EIT and the external lawyer in order to ensure that that Article 29 of the Data Protection Regulation of the EU institutions is respected by the data processor. These written contracts follow the model of the Commission and include a specific article on data protection.

The same applies to external IT contractors with whom the EIT has a framework contract in order to provide IT services for the EIT.

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<sup>3</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

### For how long the data is retained?

The retention period of IAC internal audit reports, consultancy reports and permanent audit files is 6 years (this period runs from the moment when a file has been closed).

Other documents, such as audit working papers, would be kept for a maximum of 6 years unless an issue remained unresolved at that point in which case the documentation on that issue would be retained for a longer period.

### What are the rights of the data subjects? Who should be contacted in case of queries or complaints?

In accordance with Articles 15, 17, 18, 19 of the Data Protection Regulation of European Institutions the data subjects have the **right for information**, the **right of access**, the **right of rectification** in case their personal data is not complete or not accurate and the **right to erasure** (“right to be forgotten”). The exercise of such rights may not result in unequal treatment of the candidates and may not be contrary or harmful to the aim of the selection procedure.

The data subjects have the right to obtain the **erasure** of their personal data in accordance with Article 19 of the Data Protection Regulation of European Institutions and in particular in the cases when the personal data are no longer necessary in relation to the purposes for which they were collected, if the data subject withdraws its consent, or in case of unlawful processing.

Data subjects have also the **right to restriction** of processing of personal data in accordance with Article 20 of the Regulation, and the **right to object** on grounds listed in Article 23 of the Regulation.

Restrictions to the rights of data subjects may be applied by the EIT, in accordance with Article 25 of the Data Protection Regulation of the European institutions and the EIT internal rules on restrictions<sup>4</sup>.

The rights can be only exercised by sending a request in a written form to [EIT-IAC@eit.europa.eu](mailto:EIT-IAC@eit.europa.eu). As a general rule, the requests for information, access, rectification, erasure restriction are handled without undue delay and in any event within one month of receipt of the request; this period may be extended by further two months where necessary, taking into account the complexity and number of requests. In case the data subject contests the accuracy of the data, upon request, the data is restricted immediately for the period of verification of the accuracy of the data, not exceeding one month.

### Who should be contacted in case of queries or complaints?

If you have any queries concerning the processing of your personal data, you may address them to the Internal Audit Capability of the EIT at the following email: [EIT-IAC@eit.europa.eu](mailto:EIT-IAC@eit.europa.eu).

You have the right of recourse at any time to the EIT’s Data Protection Officer ([EIT-DPO@eit.europa.eu](mailto:EIT-DPO@eit.europa.eu)) and to the European Data Protection Supervisor ([EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu)) or contact the site: <http://www.edps.europa.eu/EDPSWEB/>.

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<sup>4</sup> Currently under adoption. The final version will be published at the following link: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>

### **What is the legal basis of the processing?**

- Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2008 establishing the European Institute of Innovation and Technology (“EIT Regulation”), particularly Article 4(d)<sup>5</sup>;
- 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, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, Chapter 8 of Title IV<sup>6</sup>;
- Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council, particularly Chapter 7 of Title IV<sup>7</sup>;
- Decision 21/2019 of the Governing Board of the EIT on the Financial Regulation of the European Institute of Innovation and Technology<sup>8</sup>;
- Decision 21/2017 of the Governing Board of the European Institute of Innovation and Technology on adopting the amended Charter of the Internal Auditing Capability of the EIT<sup>9</sup>.

### **Grounds for lawfulness:**

In line with Article 5(b) of Regulation No. (EU) 2018/1725, the processing is necessary for compliance with a legal obligation, to which EIT is subject: in accordance with Article 4(d) of the EIT Regulation one of EIT bodies shall be an Internal Auditing Function.

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<sup>5</sup> OJ L 97, 9.4.2008, p. 1-12

<sup>6</sup> OJ L 193/30.07.2018, p. 1

<sup>7</sup> OJ L 122, 10.5.2019, p. 1-38

<sup>8</sup> Ares(2019)6810859

<sup>9</sup> 11541.EIT.2017.I.GB.WP