

## Privacy statement in the area of management of grants

The personal data of the 'data subjects' (see point 4) are processed by the European Institute of Innovation and Technology ('EIT') in line with Regulation (EC) N° 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

### 1. 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 identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity.

**Personal data processing operations** can be any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultations, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.

### 2. Who is the 'data controller'?

The data controllers are the

- Head of Strategy and Impact Unit (for the publication and management of the Call for proposals), and the
- Head Innovation Communities Unit (for the signature and implementation of the grant agreements).

### 3. What is the purpose of the processing?

The purpose of the processing of personal data is to manage the grants awarded by the EIT to the Knowledge and Innovation Communities ('KICs'), and in particular to

- launch calls for proposals ('KIC Call') via the Horizon 2020 IT tool and evaluate the applications on the basis of the eligibility, exclusion, selection and award criteria,
- designate the KICs as framework partnerships,
- award the start-up grants to the designated KICs in order to allow them to complete the structural and operational setting up of the framework partnerships within the start-up phase,
- launch the annual/multiannual call for Business Plans and award the annual/multiannual specific grants to the KICs, and
- manage these grants throughout the whole duration of the framework partnership agreements ('FPA').

With reference to Article 2(b) of Regulation 45/2001, the data processing operations include the collection, recording, organisation, storage, consultation, use, disclosure by transmission, erasure and destruction of personal data.

In particular, the applications and Business Plans including the personal data are received, distributed to external experts and the EIT Governing Board, evaluated, stored, implemented and eventually destroyed. The data, provided by the applicants and beneficiaries which include personal data are used for the preparation, conclusion and implementation of the resulting grant agreements.

#### 4. Who are the 'data subjects'?

Data subjects are natural persons whose personal data may be included in the applications, in the grant agreements (i.e. the start-up grant agreements ('SUGA'), the framework partnership agreements ('FPA') and specific grant agreements ('SGA')) and whose data are processed during the lifecycle of the grants. Therefore the data subjects are the:

- staff of the applicants (coordinator, consortium members and third parties such as proposed linked third parties): e.g. legal representatives, contact persons and other staff members,
- staff of the beneficiaries (KIC LE, KIC partners and third parties such as linked third parties, subcontractors, subgrantees): e.g. legal representatives, contact persons and other staff members;
- the subcontractors and subgrantees themselves, in case they are natural persons.

#### 5. Which 'categories of personal data' are collected?

- Name,
- Position/function,
- Office address, telephone, fax, e-mail,
- CV (Europass template or free template): the data subject may provide any personal data s/he deems pertinent, such as contact details, date of birth, education, professional experience including data of previous/current employers, technical and other skills, etc. The photo of data subject is not required, however, it may be included in the CV,
- Legal Entity form, the Financial Identification form include only the identification data of the legal representative of the applicant / beneficiary. For further information please refer to the privacy statement of the Commission:  
[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cf](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cf)  
[m](#)
- the Declaration of honour includes only the identification data of the legal representative of the applicant / beneficiary.

#### **Special categories of data:**

- Special data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual orientation may be received only in as much as this data appears spontaneously in the CV provided by the data subjects. This data is not processed during the management of the KIC Call or the implementation of the grant agreements, since it is not pertinent.
- Following the designation of the KICs and the award of the SUGA, the FPA/SGA, the winning applicants and the awarded KICs are requested to send documents that prove that the exclusion criteria are met by them; these documents include criminal records, certificates from national tax authorities etc. Since the consortium leader and consortium partners (in

the start-up phase) and the KIC LE and KIC partners are not natural persons, these documents contain data about entities/organisations and only very limited personal data is included.

## 6. Who are the 'data recipients'?

### **EU institutions and bodies:**

#### **- Within the EIT:**

- a. Within the responsible units, data is disclosed to the relevant staff members responsible for the operational tasks (e.g. Programme Officer, Finance Officer, Legal Officer, Policy Officer, Strategy Officer, Impact Officer, Assistants, Secretary and Head of Unit).
- b. Outside the responsible Units data may be disclosed to the relevant staff members of the Services and Finance Unit (Finance Officer, IT Officer, Assistants), the Authorising Officer, the Internal Auditor (IAC) and the members of the Governing Board.

#### **- Within the European Commission and other EU institutions and bodies:**

- a. The proposals for the KIC Call shall be submitted via the Horizon 2020 IT tool, therefore the data are accessible by Directorate-General Research and Development of the Commission (DG RTD), responsible for the management of the Horizon 2020 IT tools.
- b. To the unit in Directorate-General Education and Culture of the Commission (DG EAC, parent DG of the EIT), responsible for the supervision of the EIT.
- c. For the purpose of safeguarding the financial interests of the European Union:  
Data may be disclosed to the internal audit services of the Commission (IAS), the Court of Auditors, the European Anti-Fraud Office (OLAF), the Commission's Legal Service upon request and only if necessary in the context of official investigations or for audit purposes.
- d. For the purpose of handling complaints/court cases:  
Data may be disclosed to the Evaluation Review Committee (with a representative of the Commission), the European Ombudsman, the European Data Protection Supervisor, the Legal Service of the Commission, the General Court, the European Court of Justice upon request and only if necessary in the context of handling the complaint/court case.
- e. For the purpose of translation:  
Data may be disclosed to the Translation Centre.

### **Third parties subject to national law adopted for the implementation of Directive (EC) 95/46:**

Within the frame of the KIC Call, the technical part of the applications are disclosed to *external experts* for evaluation purposes only. Before the award of the SGA, the proposed Business Plans are given to *external experts* for evaluation.

Exceptionally and if necessary, applications and information concerning the grant agreement implementation may be transferred to *external lawyers (advocates), IT contractors* subject to Directive (EC) 95/46 for specific and limited purposes only.

In all these cases a written contract (an expert contract or a service contract) is signed between the EIT and the external expert/external lawyers/IT contractor in order to ensure that that Article 23 of the Regulation is respected by the data processor. These written contracts follow the model of the Commission and include a specific article on data protection.

### **Third parties not subject to Directive (EC) 95/46:**

The EIT does not transfer any personal data to entities established in third countries, not subject to Directive (EC) 95/46.

However, exceptionally,

- within the frame of the KIC Call, the technical part of the applications may be disclosed to *external experts* established in third countries, for evaluation purposes only. Before the award of the SGA, the proposed Business Plans are given to *external experts* for evaluation purposes and exceptionally some external experts may come from third countries.
- if necessary, applications and information concerning the grant agreement implementation may be transferred to *external lawyers (advocates), IT contractors* established in third countries not subject to Directive (EC) 95/46, for specific and limited purposes only.

In all these cases a written contract (an expert contract or a service contract) is signed between the EIT and the external expert/external lawyers/IT contractor in order to ensure that that Article 23 of the Regulation is respected by the data processor. These written contracts follow the model of the Commission and include a specific article on data protection.

## **7. What are your rights as being a data subject?**

**Applicants** have the right for information, the right to access their personal data and the right to object. In addition, the applicants have the right for rectification and the right for erasure of their inaccurate or incomplete factual personal data.

The right of rectification of applicants is limited to objective factual data. Any disagreement with the evaluation data relating to the assessment of the proposals submitted by the data subjects may be addressed by means of the available review procedures.

After the deadline of submitting the proposals,

- personal data related to the evaluation criteria cannot be rectified or erased (because it would lead to the alteration of the terms of the proposals) with the exception of obvious clerical errors;
- personal data related to the identification of the applicants can be rectified at any time during the procedure and while the data is kept by the EIT.

The rights of data subjects can be exercised only based on a written request. They cannot result in unequal treatment of the applicants and cannot be exercised in a way that is contrary or harmful to the aim of the evaluation or to its confidentiality.

**Beneficiaries** (KIC LEs and partners) **and third parties** (linked third partners, subcontractors and subgrantees) may, by written request, gain access to their personal data and rectify any personal



data that is inaccurate or incomplete, as long as it does not call into question the decision awarding the grant and result in unequal treatment.

In case of any queries concerning the processing of personal data, the data subjects may send their written requests to [EIT-Director-Office@eit.europa.eu](mailto:EIT-Director-Office@eit.europa.eu). Such requests for access, rectification, erasure and blocking etc. are handled within 15 working days from the date of submission of the request.

The data subjects have the right of recourse at any time to the Data Protection Officer of the EIT ([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)) for matters relating to the processing of their personal data.

The information above on the rights of data subjects is contained in the privacy statement in the area of grants available on the EIT website on the page of the KIC Calls (<http://eit.europa.eu/collaborate/2018-call-for-proposals>) and on the EIT Legal Framework page (<http://eit.europa.eu/eit-legal-framework>).

## **8. Legal basis for data processing operation**

### **1) General legal basis:**

Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) no 1605/2002,<sup>1</sup> as amended by

- Regulation (EU, Euratom) No 547/2014 of the European Parliament and of the Council of 15 May 2014<sup>2</sup>,
- Regulation (EU, Euratom) 1142/2014 of the European Parliament and of the Council of 22 October 2014<sup>3</sup>,
- Regulation (EU, Euratom) 2015/1929 of the European Parliament and of the Council of 28 October 2015<sup>4</sup>

(EU Financial Regulation), in particular Title V thereof;

Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union,<sup>5</sup> as amended by Commission Delegated Regulation (EU) 2015/2462 of 30 October 2015<sup>6</sup> (Rules of application of the EU Financial Regulation).

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<sup>1</sup> OJ L 298 of 26.10.2012, p. 1.

<sup>2</sup> OJ L 163 of 29.5.2014, p. 18.

<sup>3</sup> OJ L 317 of 1.11.2014, p. 28.

<sup>4</sup> OJ L 286 of 30.10.2015, p. 1.

<sup>5</sup> OJ L 362 of 31.12.2012, p. 1.

<sup>6</sup> OJ L 342 of 29.12.2015, p. 7.

## 2) Legal basis specific for EIT:

Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March establishing the European Institute of Innovation and Technology<sup>7</sup>, as amended by Regulation (EU) No 1292/2013 of the European Parliament and of the Council of 11 December 2013<sup>8</sup> (EIT Regulation);

Decision of the Governing Board of the European Institute of Innovation and Technology of 27 December 2013 on adopting the financial regulation of the EIT, as amended by

- Decision 6/2015 of the Governing Board of the EIT of 5 March 2015 and
- Decision 11/2016 of the Governing Board of the EIT of 20 April 2016 (EIT Financial Regulation),<sup>9</sup> in particular Articles 85 and 86 thereof;

EIT Annual work programmes included in the Single Programming Decisions (financing decisions), as adopted by the EIT Governing Board.

## 9. Lawfulness of the processing operation, the consent of the data subject

In line with Article 5(a) of Regulation 45/2001, the processing is necessary for the performance of a task carried out in the public interest on the basis of the EU Treaties or other instruments adopted on the basis thereof and for the legitimate exercise of official authority vested in the EIT.

You are free to give your data on a voluntary basis. In line with Article 5(d), all applicants and beneficiaries, submitting an proposal or a Business Plan providing information including personal data to the EIT by any means (in particular by paper or electronic form) are deemed to have unambiguously given their consent for the subsequent processing operations in application of Article 5(d) of Regulation 45/2001.

## 10. How long do we keep your data?

Original applications and Business Plan proposals are *stored by the EIT*, both on paper and electronically (including in the Grant Management Platform).

In addition, original applications *are stored in the Horizon 2020 IT systems by the Commission* for which a separate prior check notification and a separate privacy statement apply in which retention periods may differ from the EIT retention periods (see them below).

With reference to the Rules of Application of the Financial Regulation (see Article 48), **the EIT applies the following retention periods:**

1) In case of successful (designated) applicants and awarded beneficiaries: All personal data related to the call for proposals management and the FPA and SGA execution is retained for *7 years* from the date of payment of the balance (or of a recovery order issued after analysis of

<sup>7</sup> OJ L 97, 9.4.2008, p. 1

<sup>8</sup> OJ L 347, 20.12.2013, p. 174

<sup>9</sup> <http://eit.europa.eu/interact/bookshelf/eit-financial-regulation>



the final accounts), with the exception of the extracts from the judicial records that can be kept only for *2 years*.

2) In case of unsuccessful applicants: The personal data related to the unsuccessful applications are kept by the EIT for *5 years* following the signature of the FPA.

If before the end of the above periods either an audit or legal proceedings have started, the retention period is suspended until the end of these proceedings.

After the period mentioned above has elapsed, the files containing personal data are sampled to be sent to the historical archives of the Commission for further conservation.