



Privacy statement in the area of management of grants with the designated Knowledge and Innovation Communities (KICs), including the use of the EIT Grant Management Platform and the use of eGrants

The processing of personal data follows the provisions of Regulation (EU) 2018/1725¹ 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 (hereinafter: “Regulation”).

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 controller is the Head of the Innovation Communities Unit of the EIT.

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 designated Knowledge and Innovation Communities (‘KICs’), and in particular to

- **launch of the calls for start-up grants** and award the start-up grants to the designated KICs in order to allow them to complete the legal and operational setting-up of the KIC in the start-up phase,
- **sign the Partnership Agreement (PA) with the KICs**, which lays down the general terms and conditions under which a KIC operates as an Institutionalised European Partnership,
- **launch the annual/multiannual EIT invitations to the KICs for the submission of the Business Plans²** and award the annual/multiannual grants to the KICs, and
- to award these grants and **manage them grants throughout the whole duration of the Grant Agreements (GAs)**, including the monitoring and reporting processes, and the use of the EIT Grant Management Platform and the use of eGrants³.

¹ OJ L 295, 21.11.2018, p. 39–98

² As from 2023: Invitation for Business Plans; Invitation for Cross-KIC proposals and Invitation for Higher Education Initiative (HEI) proposal.

³ Privacy statements of the Funding and Tenders Portal: <https://ec.europa.eu/info/funding->



With reference to Article 3(3) of the Data Protection Regulation, the data processing operations include the collection, recording, organisation, storage, consultation, use, disclosure by transmission, erasure and destruction of personal data.

In particular, during the grant management processes personal data are received, they may be distributed to external experts and the EIT Governing Board, they are evaluated, stored, implemented, and eventually destroyed. The data, provided by the beneficiaries which include personal data are used for the preparation, conclusion and implementation of the resulting grant agreements.

Note: this privacy statement does not cover the personal data processing operations relating to the Calls for KICs (i.e. calls for proposals which result in the selection and designation of new KICs). These processing operations are subject to a separate privacy statement⁴.

4. Who are the 'data subjects'?

Data subjects are natural persons whose personal data may be included in the applications, in the different agreements (i.e. the Start-up Grant Agreements ('SUGA'), the Partnership Agreements ('PA') and Grant Agreements ('GA') and their amendments) and whose data are processed during or after the lifecycle of the grants.

Therefore, the data subjects are the:

- staff of the start-up grant beneficiaries and other participants (start-up coordinator, consortium members, affiliated entities, subcontractors): e.g. legal representatives, contact persons and other staff members;
- staff of the grant beneficiaries and other participants (KIC Legal Entity (LE), KIC partners, affiliated entities, as well as third parties like subcontractors, subgrantees etc.): 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 processed?

- Name,
- Position/function, grade
- Address, telephone, fax, e-mail,
- CV (Europass template or free template): the data subject may provide any personal data they deem 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 CVs,
- the Legal Entity form, the Financial Identification form include only the identification data of the legal representative of the beneficiary (for further information please refer to https://ec.europa.eu/info/funding-tenders/procedures-guidelines-tenders/information-contractors-and-beneficiaries/forms-contracts_en).
- the Declaration of Honour includes personal data, such as identification data of the legal representative of the beneficiary, and might include personal data relating to any exclusion

tenders/opportunities/portal/screen/support/legalnotice

⁴ Available here: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>



- situation listed in the Declaration of Honour,
- the Declaration on Joint and Several Liability of Affiliated Entities includes some identification data of the legal representative of the affiliated entity,
 - the Accession Form to the Grant Agreement and the document showing link and/or affiliation between partner and its affiliated entity include only the identification data of the legal representative of the beneficiary as well as of the KIC Legal Entity.

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 grant agreements, since it is not pertinent.
- Before concluding a PA and a GA, the KIC LEs are requested to send documents that prove that the exclusion criteria laid down in the EU Financial Regulation are met by them; these documents include criminal/judicial records, certificates from national tax and social security authorities etc. Since the consortium leader and consortium partners (in the start-up phase) and the KIC LE and KIC partners and affiliated entities are not natural persons, these documents may contain data about the manager (e.g. CEO, Director) of these entities/organisations. Data regarding the entities/organisations are not personal data.

6. Who has access to the personal data of data subjects and to whom can they be disclosed?

EU institutions and bodies:

- **Within the EIT:**
 - a. Within the responsible unit, data is disclosed to the relevant staff members responsible for the operational tasks (e.g. Head of Unit, Heads of Section, Programme Officers, Grant Assurance Officers, Legal Officers, Project/Policy Support Officers, Assistants and Trainees).
 - b. Outside the responsible Units, data may be disclosed to the relevant staff members of the Services and Finance Unit (Head of Sections, Finance Officer, IT Officer, Assistants), Strategy and Impact Unit (Head of Unit, Heads of Section, Strategy Officers, Impact Officers, Policy Support Officer, Assistant and Trainee), Directorate (COO, Internal Control Coordinator, Assistants and Trainees), Communications and Stakeholder Relations Unit (Head of Unit, Heads of Section, Communication Officers, Policy Officers, Assistants and Trainee) the Authorising Officer, the Head of Internal Audit Capability (IAC)
 - c. Personal data may be disclosed to the members EIT Governing Board (EIT GB), if necessary for the decisions to be taken by the EIT GB.
- **Within the European Commission and other EU institutions and bodies:**
 - a. Personal data is managed in the IT tools of the Commission (which acts as joint controller), therefore the data are accessible by Directorate-General Research and Innovation (DG RTD), Directorate-General Budget (DG BUDG, ABAC, PDM, eGrants).



- b. To the unit in Directorate-General Education and Culture of the Commission (DG EAC, partner 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.

The Commission's privacy statement for grant management is available at:
<https://ec.europa.eu/dpo-register/detail/DPR-EC-05067>

- 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 the GDPR⁵ and third parties not subject to the GDPR:

- a. Start-up Plans, Business Plans, Grant Reporting documents and other documents related to grant management and monitoring activities may be disclosed to *external experts* for evaluation tasks.
- b. Exceptionally and if necessary, information concerning the grant implementation may be transferred to *external lawyers (advocates), IT contractors* subject to the GDPR for specific and limited purposes only.
- c. The EIT **does not transfer any personal data to entities established in third countries**, not subject to GDPR. However, very exceptionally,
 - During the grant management cycle documents are given to *external experts* for evaluation purposes and exceptionally some external experts may come from third countries.
 - if necessary, information concerning the grant agreement implementation may be transferred to *external lawyers (advocates), IT contractors* established in third countries not subject to GDPR, 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 Article 29 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.

⁵ 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, OJ L 119, 4.5.2016, p. 1–88)

7. What are the rights of the data subject?

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 data subjects have the right to obtain the **erasure** of their personal data in accordance with Article 19 of the Regulation 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.

Beneficiaries (KIC LEs, entities with roles of Co-location Centres and partners) and other third parties (e.g. affiliated entities, subcontractors and subgrantees) may, by written request, gain **access** to their personal data.

The **right of rectification** of data subjects is limited to objective factual data which is inaccurate or incomplete. The right of rectification may be exercised as long as it does not call into question the decision awarding the grant and result in unequal treatment. 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.

The data subjects have the **right of recourse** at any time to the Data Protection Officer of the EIT (EIT-DPO@eit.europa.eu) and to the European Data Protection Supervisor (EDPS@edps.europa.eu) for matters relating to the processing of their personal data.

The rights can be only exercised by sending a request in a written form to the following e-mails: EIT-KICs@eit.europa.eu or EIT-Director@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. They cannot result in unequal treatment of the data subjects and cannot be exercised in a way that is contrary or harmful to the aim of the evaluation or to its confidentiality.

Restrictions to the rights of data subjects may be applied by the EIT explained by this privacy statement, and in accordance with Article 25 of the Data Protection Regulation of the European institutions, this privacy statement and the EIT internal rules on restrictions⁶.

For example, after the deadline of submitting the proposals,

- personal data related to the evaluation criteria cannot be rectified or erased (because it would

⁶ Currently under adoption. The final version will be published at the following link: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>



- 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 beneficiaries and other participants in the grant agreement can be rectified at any time during the procedure and while the data is kept by the EIT.

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 EIT Legal Framework page <https://eit.europa.eu/who-we-are/legal-framework/data-protection>

8. Legal basis for data processing operation

1) General legal basis:

- Regulation (EU) 2021/819 of the European Parliament and of the Council of 20 May 2021 on the European Institute of Innovation and Technology (recast)⁷ (EIT Regulation)
- 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 966/2012⁸ (EU Financial Regulation), in particular Title VII thereof;

2) Specific EIT legal basis

Decision of the Governing Board of the European Institute of Innovation and Technology of 25 September 2019 on the financial regulation of the EIT⁹

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 the Data Protection Regulation, 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 EIT.

In line with Article 5(d), all applicants and beneficiaries, submitting a proposal and 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 the Data Protection Regulation.

⁷ OJ L 189, 28.5.2021, p. 61–90

⁸ OJ L 193, 30.7.2018, p. 1–222

⁹ Ares(2019)6810859



10. How long do we keep your data?

- Core documents regarding the award of grants and implementation of grant agreements, and documents regarding the relations with KICs (including Forum documents) are stored for 15 years and shall be then transferred to the Historical Archive of the European Union.
- Supporting documents regarding the award of grants and implementation of grant agreements are stored for 7 years and shall be then eliminated.
- Criminal/ judicial records are kept for maximum 2 years and then shall be eliminated.