

## Privacy statement concerning the EIT Call for Proposals 2021 for a new EIT Knowledge and Innovation Community (KIC) in the Cultural and Creative Sectors and Industries (CCSI)

The processing of personal data follows the provisions of Regulation (EU) 2018/1725<sup>1</sup> 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 Strategy and Impact Unit of the EIT.

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

The purpose of the processing of personal data is to manage the 2021 Call for Proposals procedure by the EIT and in particular to

- **launch the EIT Call for Proposals 2021 for a new EIT Knowledge and Innovation Community (KIC) in the Cultural and Creative Sectors and Industries (CCSI) with the use of eGrants,**
- **to evaluate the proposals** with the involvement of an EIT Evaluation Committee, independent external experts and the EIT Governing Board,
- **to designate the consortium which submitted the winning proposal** (i.e. the designation decision is taken by the EIT Governing Board),
- **to notify the applicant consortia of the result** and ensure them the remedy procedures, as required by the applicable rules.

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.

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<sup>1</sup> OJ L 295, 21.11.2018, p. 39–98



In particular, during the call 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.

**Note:** this privacy statement does not cover the personal data processing operations relating to grant management which is subject a separate privacy statement available here: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>.

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

Data subjects are natural persons whose personal data are included in the applications and whose data are processed during the evaluation procedure.

Therefore, the data subjects are:

- specific staff members of the applicants forming the applicant consortia: e.g. legal representatives and contact persons indicated in Part A of the proposal, and legal representatives indicated in and signing the Declaration of Honour (DoH);
- the proposed Interim Management Team, whose CVs are included in the applications.

#### **5. Which 'categories of personal data' are processed?**

	Staff of the applicants (legal representative, contact persons)	Interim Management Team
<b>Name</b>	Yes	Yes
<b>Position/function</b>	Yes	Yes
<b>Address, telephone, e-mail</b>	Yes	Yes
<b>CV (Europass template):</b> the data subjects 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.	No	Yes
<b>Declaration of Honour:</b> it includes personal data, such as identification data of the legal representative of the applicant, and might include personal data relating to any exclusion situation listed in the Declaration of Honour.	Yes	No

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.

## 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 EIT, personal data is disclosed to the relevant staff members responsible for the call and evaluation process tasks (e.g. Call Coordinator, Deputy Call Coordinator and back-ups, Head of Unit, responsible Heads of Section, Legal Officer, Programme Officers, Assistants), Directorate staff (Director, Chief Operating Officer, etc), Communications and Stakeholder Relations Unit staff (Head of Unit, Heads of Section, Communication Officers, Policy Officers), the Head of Internal Audit Capability (IAC).
- b. Personal data included in the applications is disclosed to the members EIT Governing Board who will hold a hearing with the best ranked applications and who will take the designation decision.

#### - **Within the European Commission and other EU institutions and bodies:** the Commission's privacy statement for grant management (including calls for proposals) is available at: <https://ec.europa.eu/dpo-register/detail/DPR-EC-05067>

- a. Personal data is managed in the eGrants<sup>2</sup> tool of the Commission (which acts as joint controller), therefore the data are accessible by Directorate-General Research and Innovation (DG RTD).
- b. Personal data may be shared with the unit in Directorate-General Education and Culture of the Commission (DG EAC, partner DG of the EIT), which is responsible for 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 EIT 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, in case an application is received in a European Union official language other than English.

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<sup>2</sup> The privacy statements of the Funding and Tenders Portal are available here: <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/support/legalnotice>

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

- *Independent external experts* are selected, contracted and assigned by the EIT to evaluate the proposals in line with the evaluation criteria indicated in the call text. Therefore, the experts receive the proposal documents for evaluation purposes.
- Exceptionally and if necessary, information concerning the call procedure may be transferred to *external lawyers (advocates), IT contractors* subject to the GDPR for specific and limited purposes only.
- The EIT does not transfer any personal data to entities established in third countries not subject to GDPR. Nevertheless, very exceptionally, external experts/external lawyers/IT contractors may come from third countries, not subject to the GDPR.

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.

### 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.

Data subjects 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 designation decision 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](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.

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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, OJ L 119, 4.5.2016, p. 1–88)



The rights can be only exercised by sending a request in a written form to the following e-mail: [EIT-KICs-Call-2021@eit.europa.eu](mailto:EIT-KICs-Call-2021@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 on 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 restrictions<sup>4</sup>.

For example, 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.

## **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)<sup>5</sup> (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 966/2012<sup>6</sup> (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 EIT<sup>7</sup>
- Decision 29/2021 of the Governing Board of the European Institute of Innovation and Technology of 5 July 2021 on the adoption of the evaluation criteria of the EIT's Call for

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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>

<sup>5</sup> OJ L 189, 28.5.2021, p. 61–90

<sup>6</sup> OJ L 193, 30.7.2018, p. 1–222

<sup>7</sup> Ares(2019)6810859



Proposals 2021 for a new EIT Knowledge and Innovation Community in the Cultural and Creative Sectors and Industries (CCSI)<sup>8</sup>

- Decision 35/2021 of the Governing Board of the European Institute of Innovation and Technology on the adoption of the revised Final Single Programming Document (2021-2023) of the EIT<sup>9</sup>
- Decision of the Governing Board of the European Institute of Innovation and Technology on the approval of the Call text for the EIT's Call for Proposals 2021 for a new EIT Knowledge and Innovation Community in the Cultural and Creative Sectors and Industries (CCSI)

### **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 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.

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

- Files relating to the Call for Proposals procedures, including files relating to successful proposals, their evaluation, and the designation of KICs are kept for *10 years*.
- Files relating to unsuccessful proposals and their evaluation are kept for *5 years*.

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<sup>8</sup> Ares(2021)4370239

<sup>9</sup> Ares(2021)4853672