



## **PROTECTION OF YOUR PERSONAL DATA**

**This privacy statement provides information about the processing and the protection of your personal data.**

**Processing operation: Directorate-General for International Partnerships relations with entities implementing funds under indirect management**

**Data Controller: Directorate-General for International Partnerships (DG INTPA), Legal Affairs Unit (INTPA.R4)**

**Record reference: DPR-EC-01891**

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#### **1. Introduction**

The European Commission (hereafter ‘the Commission’) is committed to protect your personal data and to respect your privacy. The Commission collects and further processes personal data pursuant to [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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

The information in relation to processing operation “Directorate-General for International Partnerships relations with entities implementing funds under indirect management” undertaken by Directorate-General for International Partnerships (DG INTPA), Legal Affairs Unit (INTPA.R4) is presented below.

## **2. Why and how do we process your personal data?**

### Purpose of the processing operation:

DG INTPA implements the Union policy in the field of international cooperation as enshrined in Title III of Part V of the Treaty on the Functioning of the European Union (TFEU)<sup>1</sup> and further detailed in the legal acts listed under Heading 2 of this privacy statement as well as in line with other international commitments, including the European Consensus on Development<sup>2</sup>.

The European Consensus on Development sets out commitments of the EU and its Member States to support partner countries and maximise the cooperation with and between EU Member States (including EU Member States development agencies), partner countries and non-EU donors (including International organisations).

The cooperation with other EU and non-EU donors involves a continuous dialogue - both abstract (at the level of horizontal understandings and guidelines) and concrete (at the level of elaborating multi-annual programmes for one or several identified partner countries or elaborating subsequent actions in that/those country(ies)) - whereby potential cooperation is discussed with the partner country(ies) and the other Donors active in the country.

In the framework of this cooperation, DG INTPA might process personal data for the purpose of organizing events (including – *inter alia* – meetings, working groups and high level discussions) between EU and non-EU donors, as well as with partner countries and other Commission services.

Furthermore, DG INTPA might process your personal data for the purpose of negotiation, conclusion and implementation of agreements concluded between the Commission and entities implementing EU funds in indirect management under Article 62(1)(c) of 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<sup>3</sup>, namely, financial framework partnership agreements, contribution agreements and financing agreements. Processing by DG

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<sup>1</sup> Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union (TFEU) (OJ C202/1, 7.6.2016, p. 47).

<sup>2</sup> Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission, The New European Consensus on Development: Our World, Our Dignity, Our Future (OJ C210, 30.06.2017 p. 1).

<sup>3</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, (OJ L 193, 30.7.2018, p.1).

INTPA Headquarters (HQ), as well as processing by EU Delegations (EUDEL) for the actions falling under INTPA's scope of competence, are both covered.

Personal data might also be processed for the purposes of registration and validation of participants<sup>4</sup> in the Participant Register. More specifically, the data might be processed for verification that the organisation (natural and legal person) exists as a legal entity and that its legal data is correct, as well as, the verification of certain special legal statuses that are used in EU funding programmes, and the assessment of financial capacity and ownership / control structure of the participants.

Processing of personal data takes place using both automated means, in particular the Commission's electronic systems for the registration and validation purposes, as well as, the management of procurement/grant award procedures/contract execution/grant implementation agreements (e.g. CRIS, OPSYS, ABAC, ARES, Participant Register) and manual means, such as paper files.

Your personal data will *not* be used for an automated decision-making including profiling.

### **3. On what legal ground(s) do we process your personal data**

The data processing is considered lawful because it is necessary for the performance of tasks carried out in the public interest and in the exercise of official authority vested in the Union institution on the basis of:

- Treaty on the Functioning of the European Union, and in particular Articles 208 - 213 thereof (consolidated version, OJ C202/1, 7.6.2016, p. 47);

- 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 (OJ L 193, 30.7.2018, p.1), (hereinafter the 'Financial Regulation')<sup>5</sup>;

- Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009 (OJ L 209, 14.6.2021, p. 1);

- Council Regulation (Euratom) 2021/948 of 27 May 2021 establishing a European Instrument for International Nuclear Safety Cooperation complementing the Neighbourhood, Development and International Cooperation Instrument – Global Europe on the basis of the Treaty establishing the European Atomic Energy Community, and repealing Regulation (Euratom) No 237/2014 (OJ L 209, 14.6.2021, p.79);

- Council Decision (EU) 2021/1764 of 5 October 2021 on the association of the Overseas Countries and Territories with the European Union including relations between the European Union on the one hand, and Greenland and the Kingdom of Denmark on the other (Decision on the Overseas Association, including Greenland), OJ L 355, 7.10.2021, p. 6;

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<sup>4</sup> Participants are: applicants, candidates, tenderers, beneficiaries, contractors.

<sup>5</sup> You may also refer to the EU Funding and Tenders - Rules for Legal Entity Validation, LEAR Appointment and Financial Capacity Assessment, available on the Funding and Tenders webpage.

- Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action (CIR) (OJ L 342, 29.12.2015, p. 7);

- Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (OJ L 317, 15.12.2000, p. 3.), as first amended in Luxembourg on 25 June 2005 (OJ L 287, 28.10.2005, p. 4) and as amended for the second time in Ouagadougou on 22 June 2010 including its annex IV (OJ L 287, 4.11.2010, p. 3);

- Council Regulation (EU) 2018/1877 of 26 November 2018 on the financial regulation applicable to the 11th European Development Fund, and repealing Regulation (EU) 2015/323, (OJ L 307, 3.12.2018, p. 1);

- Council Regulation (EU) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund (OJ L 58, 03.03.2015, p. 17);

- Regulation (EU, EURATOM) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation(EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1);

- The financial framework partnership agreements (FFPA), contribution agreements, financing agreements concluded between the EU, on the one hand, and the entities implementing funds under indirect management pursuant to Article 62(1)(c) of the Financial Regulation.

The grounds for processing correspond to points (a) and (b) of Article 5 of Regulation (EU) 2018/1725.

In certain circumstances, data subjects' rights may be restricted pursuant to Commission Decision (EU) 2018/1962 of 11 December 2018 laying down internal rules concerning the processing of personal data by the European Anti-Fraud Office (OLAF) in relation to the provision of information to data subjects and the restriction of certain of their rights in accordance with Article 25 of Regulation (EU) 2018/1725. Where Commission services process personal data in instances referred to in Article 1(3) of the Commission Decision (EU) 2018/1962, they may, where necessary, apply restrictions in accordance with this decision. To that end, they shall consult OLAF, unless it is clear to the Commission service or executive agency concerned that the application of a restriction is justified under this decision.

#### **4. Which personal data do we collect and further process?**

In order to carry out this processing operation DG INTPA collects the following categories of personal data:

A. Personal data of members of the staff of DG INTPA in both HQ and EUDEL and/or any *intra muros* service provider of DG INTPA, which may include in particular:

- Name;
- Function;
- Title;
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, department and office number, country of residence);
- Signature;
- Opinions.

B. Personal data of representatives/staff of the entities engaging dialogue, negotiating and/or concluding agreements with the Commission and/or acting as contact points, which may include in particular:

- Name;
- Function;
- Title;
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, department and office number, country of residence);
- Signature;
- Opinions.

C. Personal data contained in the correspondence and supportive documents transmitted to the Commission and/or to service providers for the performance of ex – ante assessment (e.g. constitutive acts, statutes, bylaws) and evaluations, which may include in particular:

- Name;
- Function;
- Title;
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, organisation and department, country of residence, internet address);
- Signature;
- Bank account references (IBAN and BIC codes), VAT number.

D. Personal data contained in the correspondence and supportive documents transmitted to the Commission for the implementation of a FFPA, contribution agreement, financing agreement, which may include in particular:

- Name;
- Function;
- Title;
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address);
- Signature;
- Opinions, and
- Any other type of data that may be collected by or transmitted to the Commission by any means for the purposes of the implementation of an FFPA, contribution agreement, financing agreement.

E. Personal data of tenderers, grant applicants, contractors, subcontractors found by the partner entity and/or the Commission to be in an exclusion situation, which may include in particular:

- Name;
- Function;
- Title;
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address);
- Final judgments/decisions declaring the person to be in one of the exclusion situations set out in Article 136 of the Financial Regulation.

F. Personal data of tenderers, grant applicants, contractors, subcontractors found by the partner entity and/or the Commission to appear on the [lists](#) of persons, groups, entities subject to the EU restrictive measures maintained by the Directorate General for Financial Stability, Financial Services and Capital Markets Union (DG FISMA), which may include in particular:

- Name;
- Gender;
- Date and place of birth;
- Function;
- Title.

Processing of personal data in connection with Regulations on restrictive measures (Regulations requiring the freezing of funds and economic resources (asset freezing) of listed natural and legal persons, entities, bodies and groups) by the Commission is covered by [DPR-EC-00907](#).

G. Personal data of natural persons in various capacities (such as self-registrants, Legal Representatives (LR), Legal Entity Appointed Representatives (LEAR), account administrators or participants in personal capacity) entered via Funding and Tenders Opportunities Portal, notably Participant Register, which may include in particular:

- Identification data: (first name, middle name, last name (including maiden name), gender, title, all personal data contained in different types of identification documents (such as date of birth, place of birth, nationality, personal national identification number, photo/image, signature, etc.), Participant Identification Code (PIC) (when the Participant is a natural person);
- Financial data of natural persons such as bank account related data (such as account number, name and address of the holder, name and address of the bank, available funds), ownership and tax related data (such as revenues and patrimony, number/value of shares or voting right held by natural persons or group of natural persons, social security contributions, VAT and other taxes paid);
- Third party personal data: the supporting documents submitted by the Participant may contain personal data of third persons not necessary for purposes of processing.

H. Authentication and access data to website of the Commission, including to the Participant Register of the Funding and Tenders Opportunities Portal, which may include in particular:

- EU Login credentials;
- IP address;
- Security data/log in files.

We have obtained your personal data from:

- The information registered and documents submitted in the Funding and Tender Opportunities Portal (including from [Participant Register](#));
- The entity submitting the application for *ex ante* assessment;
- The information obtained in the framework of the verifications and checks carried out for the purposes of safeguarding the financial interests of the Union by the Commission, by the Commission, OLAF and the European Court of Auditors pursuant to *inter alia* Article 287 of the Treaty on the Functioning of the European Union, and Articles 129 of the Financial Regulation as well as by the European Public Prosecutor's Office pursuant to Article 103(1) of Council Regulation (EU) 2017/1939;
- The organisation you are representing/are working for.

## **5. How long do we keep your personal data?**

DG INTPA only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing. The retention periods are aligned with the Common Commission-Level Retention List (CRL) of the European Commission.

Files on indirect management between the Commission and the pillar-assessed entity are kept for 10 years following the closure of the action or agreement<sup>6</sup>.

For Participant Register operations (i.e. participant registration and legal and financial validation), personal data is kept for 10 years from the end of the year of the last financial transaction<sup>1</sup> (e.g. payment, recovery order, etc) of the participant's last legal commitment (e.g. grant agreement, procurement contract, prize agreement) or from the end of the year when the

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<sup>6</sup> Common Commission-Level Retention List (CRL) of the European Commission SEC(2019)900, Annex I under point 7.4.

participant last interacted with its profile in Participant Register (messages, uploading documents, etc).

## **6. How do we protect and safeguard your personal data?**

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored either on the servers of the Commission or of its contractors. All processing operations are carried out pursuant to the [Commission Decision \(EU, Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

In order to protect your personal data, the Commission has put in place a number of technical and organisational measures in place. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

## **7. Who has access to your personal data and to whom is it disclosed?**

Access to your personal data is provided to the Commission staff responsible for carrying out this processing operation and to authorised staff according to the “need to know” principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

### Recipients within the EU organisation:

- Staff and *intra muros* service providers of DG INTPA in both HQ and EUDEL participating in the ex-ante assessment procedure and in the process of negotiation, conclusion and implementation of the respective agreements;
- Staff of other Commission’s DGs and EU bodies and agencies (DG BUDG and REA) where necessary for the purpose of legal, financial and/or administrative validation processes;
- Staff of OLAF, IDOC, IAS (Internal Audit Services), European Court of Auditors, European Public Prosecutor’s Office and the Legal Service of the Commission as well as staff of other DGs (SG, DG BUDG and clearinghouse), upon request, where necessary in the context of official investigations or for audit purposes.
- The European Parliament and the Council upon their request, in accordance with Article 155(7) of the Financial Regulation.

### Recipients outside the EU organisation:

- Members of the public: Members of the public in accordance with the Commission's obligation to publish information on FFPAs, contribution agreement and/or financing agreement deriving from the budget of the European Union. The information may concern in particular your name and address, the amount awarded and the name of the project or programme for which you are awarded a contract. It will be published in supplement S of the Official Journal of the European Union and/or on the website of the Commission.
- Partner entity representatives/staff, service providers, solely for the purpose of performance, management and monitoring of ex-ante assessments, of management and monitoring of framework partnership agreements, contribution agreements and financing agreements concluded between the Commission and the partner entity and for enabling the Commission to comply with its obligations under the applicable legislation and under the abovementioned agreements with

the entity. To find more details about the transfer please consult the record of processing – see reference at point 10 below.

Transfer of personal data to third countries:

Transfers of personal data outside of the EU or the EEA are likely to occur in the context of dialogue, coordination, negotiation, conclusion and implementation of agreements between the EU and the entities implementing EU funds in indirect management, for the Commission to carry out its tasks and to comply with its obligations under the applicable legislation and the agreements with the partner entities. Potential transfers of personal data to the partner entities take place on the basis of derogations set out in Article 50(1)(d) of the Regulation (EU) 2018/1725 for important reason of public interest.

Transfers might occur to countries and international organisations with which the Commission has signed a financial framework partnership agreement, a financing and/or a contribution agreement pursuant to Article 130 and 155(6) of the Financial Regulation or the Commission has engaged in a dialogue regarding international cooperation and development activities in one or several partner country(ies). Such transfers are very limited and strictly necessary to enable communication between the parties to the agreements and to allow the Commission to comply with its obligations under the applicable legislative framework and to the agreements with partner entities.

On the other hand, in indirect management, the partner entity does make available personal data it collected to the Commission to allow the Commission to exercise its supervisory powers, as described in the present privacy statement.

In the framework of dialogue regarding international cooperation and development activities in one or several partner country(ies) or agreements with entities implementing EU funds under indirect management, the Commission does not make available personal data, other than:

A. Personal data of members of the staff of DG INTPA in both HQ and EUDEL and/or any service provider of DG INTPA involved in procedures of ex-ante assessments, negotiation/conclusion/implementation of agreements with partner entities. The types of personal data may include in particular:

- Name;
- Function;
- Title;
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, department and office number, country of residence);
- Signature.

B. Personal data of persons and/or entities found to be in an exclusion situation, made available by the Commission to the partner entity, may include in particular:

- Name;
- Function;
- Title;
- Contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, department and office number, country of residence);
- Final judgments/decisions declaring the person to be in one of the exclusion situations set out in Article 136 of the Financial Regulation. These transfers are processed through the Commission's EDES system – see DPR-EC-04410.

The recipients of data in the partner entity and the instances in which data might be transferred include in particular representatives and/or staff of the partner entity acting as the interlocutors of the Commission staff and/or *intra muros* service providers in both HQ and EUDEL. Personal data of Commission staff made available to the representatives/staff of the partner entity are very

limited and strictly necessary for enabling communication. Information on persons and/or entities found to be in exclusion situations are made available to comply with the Commission's obligation under Article 142(5) of the Financial Regulation.

Please note that pursuant to Article 3(13) of Regulation (EU) 2018/1725, public authorities (e.g. the European Court of Auditors, EU Court of Justice) which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients. The processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

Partner entities are bound by clauses on the protection of personal data and by an obligation of confidentiality contained in the respective agreements signed between them and the EU.

## **8. What are your rights and how can you exercise them?**

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing, and the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a) on grounds relating to your particular situation.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

## **9. Contact information**

### **- The Data Controller**

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller, [INTPA-R4@ec.europa.eu](mailto:INTPA-R4@ec.europa.eu)

### **- The Data Protection Officer (DPO) of the Commission**

You may contact the Data Protection Officer ([DATA-PROTECTION-OFFICER@ec.europa.eu](mailto:DATA-PROTECTION-OFFICER@ec.europa.eu)) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

### **- The European Data Protection Supervisor (EDPS)**

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

#### **10. Where to find more detailed information?**

The Commission Data Protection Officer (DPO) publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You may access the register via the following link: <http://ec.europa.eu/dpo-register>.

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR-EC-01891.