

**PRIVACY STATEMENT**

**PROTECTION OF PERSONAL DATA PROVIDED BY THE MEMBER STATES TO THE COMMISSION IN THE CONTEXT OF THE RECOVERY AND RESILIENCE FACILITY**

**Processing operation:** *Implementation of the Recovery and Resilience Facility and related audits and controls carried out by the European Commission*

**Data Controller:** European Commission, Directorate-General for Economic and Financial Affairs, Unit B.4.

**Record reference:** DPR-EC-04466.1 - **Processing of personal data when the European Commission carries out external audits and controls**

**Table of contents:**

1. Introduction
2. Why and how does the European Commission process personal data?
3. On what legal ground(s) does the European Commission process personal data?
4. Which personal data does the European Commission receive and further process?
5. How long does the European Commission keep personal data?
6. How does the European Commission protect and safeguard personal data?
7. Who has access to the personal data and to whom is it disclosed?
8. What are the data subjects' rights and how can they exercise them?
9. Contact information
10. Where to find more detailed information?

**1. Introduction**

The European Commission (hereafter 'the Commission') is committed to protecting the personal data of data subjects submitted by Member States to the Commission under Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility. The Commission receives 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) 45/2001).

This privacy statement explains the reason for the processing of personal data, the way the Commission receives, handles, and ensures protection of all personal data provided, how that information is used, and what rights data subjects have in relation to their personal data. It also specifies the contact details of the responsible Data Controller with whom data subjects may exercise their rights, the Data Protection Officer, and the European Data Protection Supervisor.

This privacy statement concerns the processing operation 'implementation of the Recovery and Resilience Facility and related audits and controls', undertaken by the Commission as presented below.

**2. Why and how does the Commission receive personal data?**

Purpose of the processing operation: The Commission receives and uses personal data for the purpose of (i) the assessment of the satisfactory fulfilment of milestones and targets upon submission of a payment request of a Member State in accordance with Article 24 of Regulation (EU)

## **Directorate-General for Economic and Financial Affairs**

Recovery and Resilience Facility - Handling of personal data during the implementation by the Commission

2021/241, and (ii) controls to provide reasonable assurance over the legality and regularity of payments and to ensure adequate protection of the financial interest of the EU; where applicable to verify recipients' or contractors', subcontractors' or third parties' compliance with all contractual and financial provisions, including compliance with national and EU law where these are part of the conditions for a payment, and sound financial management, in view of checking that these provisions and agreements are being properly implemented and in view of assessing the legality and regularity of the transaction underlying the implementation of the general budget of the Union.

Within the context of Regulation (EU) 2021/241, such personal data is collected by the national authorities of the Member States and provided to the Commission by those authorities. The Commission has requested the authorities to redact personal data whenever possible and not strictly needed for the assessment of a payment request and to avoid their accidental submission.

Personal data will not be used for an automated decision-making, including profiling.

### **3. On what legal ground(s) does the Commission process personal data?**

The possibility for the Commission to carry out checks and financial controls is envisaged by Article 22 of Regulation (EU) 2021/241 and in the agreements referred to in Articles 15(2) and 23(1) of that Regulation.

The processing operations of personal data which are carried out in the context of the assessment of payment requests submitted to the Commission by Member States in accordance with Article 24 of Regulation (EU) 2021/241 and in the context of audit and control activities<sup>1</sup> are necessary and lawful under the following articles of the Regulation (EU) 1725/2018:

(a) 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 Union institution or body<sup>2</sup>;

(b) processing is necessary for compliance with a legal obligation to which the controller is subject<sup>3</sup>.

### **4. Which personal data does the Commission receive and further process?**

In order to carry out the above-mentioned processing operations, the Commission could receive the following categories of personal data (the below represents a non-exhaustive list):

- Contact data: name, company, e-mail address, telephone number, date of birth, professional and residential postal addresses, profession, qualification, gender, nationality and country of origin, passport or ID number, social security number;
- Data for access to finance and contractual obligations. Such data can be: bank account reference (IBAN and BIC codes), VAT number, timesheets, salary slips, accounts, details of the costs, missions, reports, information coming from local IT system used to declare costs as

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<sup>1</sup> The audit and control activities are varied across the Commission departments as they can be conducted at any time during the performance of the programme or project and can concern beneficiaries, projects, system, transactions, etc. depending on the needs of the contracting authority. The audit and control activities may be carried out on documents and/or on the spot, and may be carried out either before or after the final payment to the beneficiary. Audits and controls of documents may be carried out in any place where the funds in question are managed or used; the geographical scope is therefore worldwide.

The specific contract should specify what the audit and control is to cover (subject and location).

<sup>2</sup> Article 5 (1) (a) of Regulation (EU) 2018/1725 and, in particular, articles 317, 319 TFEU and article 106 (a) of the Euratom Treaty.

<sup>3</sup> In particular articles 117, 183, and 262 of the Financial Regulation ('FR').

## **Directorate-General for Economic and Financial Affairs**

Recovery and Resilience Facility - Handling of personal data during the implementation by the Commission

eligible, supporting documents linked to travel costs, minutes from mission and other similar data depending of the nature of the grant/contract, etc.;

- Information for the evaluation of selection criteria or eligibility criteria: expertise, technical skills and languages, educational background, professional experience, including details on current and past employment;
- Any other contact details (e.g. mobile telephone number, fax number, function and department);

### **5. How long does the Commission keep personal data?**

In accordance with Article 22(3) of Regulation (EU) 2021/241, personal data may only be processed by the Commission (and by the Member States) for the purpose, and corresponding duration, of discharge, audit and control proceedings related to the use of funds for the implementation of the agreements referred to in Articles 15(2) and 23(1). The Commission only keeps personal data for the time necessary to fulfil this purpose.

### **6. How does the Commission protect personal data?**

All personal data in electronic format (e-mails, documents, databases, etc.) are stored on the servers of the Commission. 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 Commission.

In order to protect personal data, the Commission has put in place a number of technical and organisational measures. 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 access the relevant documentation for the purposes of this processing operation.

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

Access to personal data may be provided on a “need to know” basis to Commission services and staff dealing with audit or control, incl. of the European Anti-Fraud Office (OLAF) if needed.

In addition, staff from the European Court of Auditors (ECA) and the European Public Prosecutors’ Office (EPPO) may have access to personal data as well as the European Parliament (in the context of the discharge procedure and pursuant to Article 22 of Regulation (EU) 2021/241). Finally, data may be shared with national implementation, managing, certifying and audit authorities.

The information that the Commission receives will not be given to any third party, except to the extent and for the purpose the Commission may be required to do so by Union law, including the possible transmission of personal data to EU bodies or institutions in charge of audit or inspection in accordance with the EU Treaties.

### **8. What are the data subjects’ rights and how can they exercise them?**

The data subjects have specific rights under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, rectify or erase their personal data and the right to restrict the processing of their personal data. Where applicable, they also have the right to object to the processing or the right to data portability.

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

## **Directorate-General for Economic and Financial Affairs**

Recovery and Resilience Facility - Handling of personal data during the implementation by the Commission

Rights can be exercised by contacting the Data Controller, or in case of conflict the Data Protection Officer (see Heading 10 for more information). If necessary, the data subjects can also address the European Data Protection Supervisor. The contact information is given under Heading 9 below.

Where the data subjects wish to exercise their rights in the context of one or several specific processing operations, their description (i.e. their Record reference(s) as specified under Heading 10 below) should be provided in the request.

### **9. Contact information**

#### **- The Data Controller**

If the data subjects would like to exercise their rights under Regulation (EU) 2018/1725, if they have comments, questions, or concerns, or if they would like to submit a complaint regarding the collection and use of your personal data, they may contact the Data Controller.

European Commission, Directorate-General for Economic and Financial Affairs, Unit B.4 ([ECFIN-RRF@ec.europa.eu](mailto:ECFIN-RRF@ec.europa.eu)).

#### **- The Data Protection Officer of the European Commission**

The data subjects 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 their personal data under Regulation (EU) 2018/1725.

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

The data subjects have the right to have recourse (i.e. to lodge a complaint) to the European Data Protection Supervisor via [https://edps.europa.eu/data-protection/our-role-supervisor/complaints\\_en](https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en) or [edps@edps.europa.eu](mailto:edps@edps.europa.eu), if they consider that their rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of their personal data by the Data Controller.

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

The Commission Data Protection Officer (DPO) publishes the register of all documented processing operations on personal data by the Commission. The data subjects 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-04466.1 - Processing of personal data when the European Commission carries out external audits and controls.**