

PRIVACY STATEMENT

for processing of personal data in the context of processing of

Legal Entity and Bank Account Files

The Agency for Support for BEREC (BEREC Office) processes the personal data of a natural person in compliance with Regulation 2018/1725 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.

This privacy notice explains BEREC Office policies and practices regarding the collection and use of your personal data, and sets forth your privacy rights. The BEREC Office recognises that information privacy is an ongoing responsibility and will update this notice where necessary.

1. What is the purpose and legal basis for processing your personal data?

The BEREC Office process your personal data, because the processing is necessary for:

1) compliance with a legal obligation to which the controller is subject under 86 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 a.k.a. Financial Regulation (FR). (Art. 5.1(b) of Regulation (EU) 2018/1725).

In particular, the BEREC Office Management Board with its Decision of MC/2016/03 of 26.02.2016 appointed the European Commission Accounting Officer as the BEREC Office Accounting Officer as of 18 April 2016. Article 86 stipulates powers and duties of the Accounting Officer with respect to the creation and management of legal entity files and for the keeping of supporting documents.

These files and documents contain the needed personal data for a sound and legal management of payments and recovery of sums.

2) processing of the personal data is also necessary for the performance of a contract to which data subject is party or in order to take steps at the request of data subject prior to entering into a contract (Art 5.1(c) of Regulation (EU) 2018/1725).

In case of absence of this processing, no contracts with or financing decisions in favour of the data subject could be concluded and no monitoring of the correct execution of these contracts/decisions would be possible.

2. What personal data is collected and processed?

The categories of data subjects are all natural persons that are staff of the BEREC Office (temporary and contract agents) or other persons that have (had) contractual and/or financial transactions with the BEREC Office (citizens, contractors, data of authorised representatives who

can represent legal entities, seconded national experts and other experts and officials of the European Commission and of other EU institutions, agencies and bodies invited to participate in BEREC Office activities, candidates, trainees, retired staff and staff family members).

The BEREC Office collects the following categories of personal data of the afore listed persons:

- The information that have to be provided in the Legal Entity Form as well as the supporting documents provided (e.g. ID document), such as: identification data, contact data and signature.
- The information that have to be provided in the Financial Identification Form as well as the supporting documents provided (i.e. bank statement), such as identification data, contact data and bank account data.

3. Who has access to your personal data and to whom is it disclosed?

Access to the personal data is provided to:

- 1) BEREC Office staff in charge of processing the original files and to the financial actors.
- 2) Commission staff responsible for carrying out this processing operation and to authorised staff according to the “need to know” principle.
- 3) All authorised Commission, European External Action Service, consultative bodies and authorising officers of the Commission and External Entities, which make use of ABAC and deal with financial and accounting matters, have access on “need to know” basis to the data. Personal data of data subject may be also sent to the Internal Audit Service, the Court of Auditors, the Financial Irregularities Panel, the Anti-fraud Office and any other institution or entity responsible for audits or investigations.

Such staff abide by statutory, and when required, additional confidentiality agreements.

Additionally, personal data may be transferred to banking institutions in order to execute payments as defined in the contract. In case data subject is requesting a payment in a bank account, which is not located in EEA, personal data will be transferred to banking institutions in a third country in accordance with Regulation (EU) 2018/1725. In particular, the transfer would be based on adequacy decision (Art. 47) in absence of which on appropriate safeguards (Art. 48) or based on derogations (Art. 50. 1(b) and 50. 1(c)).

Through the Financial Transparency System (FTS) a limited set of information on beneficiaries under direct management will be accessible to the public through the FTS website on Europa. Only certain commitments and payments above 15.000€ will be disclosed. In such case, only the name, the region and the amount of funding awarded will be published.

4. How long are your personal data kept?

The Data Controller keeps personal data of data subjects for the time necessary to fulfil the purpose of collection or further processing, namely for:

- a maximum of 10 years after the last transaction for data related to natural persons other than staff;

- up to 100 years after date of birth for staff (to satisfy any request that may come in after the end of a staff member's contract or after their retirement).

5. What are your rights?

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 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 6 below.

6. Who is the data controller and how to exercise your rights?

The BEREC Office and the European Commission shall exercise the tasks of the data joint controller for the purpose of these processing operations.

To exercise the mentioned rights, you can contact the controller by sending an email to:

European Commission: BUDG-FICHIER-TIERS@ec.europa.eu

Agency for Support for BEREC (BEREC Office): berecoffice@berec.europa.eu

If you consider your data protection rights have been breached, you can always lodge a complaint with the BEREC Office's Data Protection Officer (dpo@berec.europa.eu) or with the European Data Protection Supervisor: edps@edps.europa.eu