



Data Protection Notice

Litigation operations

In accordance with Regulation (EU) 2018/1725 of 23 October 2018 on data protection (hereinafter the Regulation), the European Climate, Infrastructure and Environment Executive Agency (hereafter CINEA) collects your personal data only to the extent necessary to fulfil the precise purpose related to its tasks.

1. The **controller** is CINEA:
 - a. CINEA Unit A2 - Legal Affairs, External audits and Administrative Finance
Chaussée de Wavre 910
W910 02/006
 - b. Person responsible for the processing: Head of Unit A2
 - c. Email: CINEA-LITIGATIONS@ec.europa.eu
2. The **purpose of the processing** is to manage the cases in which CINEA is party/intervener before jurisdictions such as the Court of Justice of the European Union, General Court, etc. and arbitration.
3. The **data subjects** concerned by this notice are:
 - Internal to the organisation – Staff members of the Agency intervening in the litigation
 - External to the organisation – Parties/interveners in the litigation (e.g.: grant beneficiaries, applicants, contractors and their legal counsellor, etc.).
4. The **categories of personal data** collected and used for the processing operations are:

All categories of personal data may be processed within the context of litigation cases (including pre-litigation phase) particularly identification data, professional data and case involvement data, such as for instance:

 - Names and contact details of the data subjects involved, including the Agency and EC Staff involved in the proceedings as well as external lawyers representing the Agency or the parties concerned. Any other personal data which is relevant and necessary for the processing;

The processing operation may concern any categories of personal data, including special categories of data allowed pursuant to Article 10(2) of the Regulation. These special categories of personal data may be incidental to the activity of litigation.

The processing operation may concern any categories of personal data (e.g. health related data, etc.) pursuant to Article 10(2) of the Regulation. These special categories of personal data may be incidental to the activity of litigation..
5. The **recipients** of the data are:

All recipients are on a "need to know" basis:

 - Agency's authorised staff in charge of handling or involved in the legal proceedings (Legal Affairs Sector in Unit A2, Operational and Financial Staff involved in the case, Human Resources, Director, etc)

- Authorised staff in the European Commission's services and other Executive Agencies, where applicable. These services may need to be consulted on litigation cases, notably the parent-DGs involved, the Secretariat General, the Legal Service and if necessary any other DG or Agency involved in the file concerned by the legal proceedings (e.g. in case of joint cases).
- External lawyers assisting the Agency in litigation proceedings
- Where appropriate, any relevant other parties and interveners/participants to the proceedings

In case of audits or proceedings, etc., personal data may be provided to CINEA's Internal Controller, DPO, etc .

In addition, data may be disclosed to public authorities in accordance with Union and Member State law such as the European Court of Justice or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure, Investigation and Disciplinary Office of the European Commission (IDOC), the competent Appointing Authority in case of a request or a complaint lodged under Articles 90 of the Staff Regulations, European Anti-Fraud Office (OLAF), the Internal Audit Service of the Commission, the Court of Auditors ,the European Ombudsman, the European Data Protection Supervisor and the European Public Prosecutor's Office.

6. Data Subjects rights:

All data subjects enjoy the rights of information, access, rectification and erasure of their own data as well as the right to restrict its processing. They also have the right to object to the processing.

You can exercise your rights by sending an email with the requested change(s) to the controller via the functional mailbox indicated here-above in Section 1.

However, in line with Article 25 of the Regulation, the data controller may restrict the rights of the data subjects based on the [Decision of the Steering Committee \(2020\) 26 of 14/10/20 \(OJEU L 45 on 9.2.2021, p. 80\)](#), in case where such restriction constitutes a measure necessary to safeguard the protection of the data subjects or the rights and freedoms of other data subjects, etc.

7. How does CINEA protect and safeguard your data?

Relevant organisational and technical measures are taken by the Agency to ensure the security of your personal data. Access to your data is restricted on an individual need to know basis and through User-ID and password: data can be accessed via authentication system, which guarantees that only authorised staff can have access to it. Your data resides on the servers of the European Commission, which abide by strict security measures implemented by DG DIGIT to protect the security and integrity of the relevant electronic assets. CINEA is also bound by Commission Decision 2017/46 of 10/1/17 on the security of communications & information systems in the EC.

Data on litigation cases are stored on restricted folder accessible only to authorised staff. Electronic communication is done via SECEM encryption and with a functional mailbox accessible only to the relevant lawyers in charge of litigation. Paper documents, if applicable, are kept in locked cupboards.

8. The legal basis of the processing are:

The legal basis for the processing is Article 5(1) of the Regulation:

- a) 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 Agency;
 - b) the processing is necessary for compliance with a legal obligation to which the controller is subject,
- such as:

- i) Council Regulation 58/2003 of 19 December 2002, laying down the Statute for executive agencies to be entrusted with certain tasks in the management of EU programmes ;
- ii) Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, and repealing Implementing Decisions 2013/801/EU;
- iii) Commission Decision C(2021)947 of 12 February 2021 delegating powers to the European Climate, Infrastructure and Environment Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of transport and energy infrastructure; climate, energy and mobility research and innovation; environment, nature and biodiversity; transition to low-carbon technologies; and maritime and fisheries;
- iv) Communication of the Commission on Guidelines for the establishment and operation of executive agencies financed by the general budget of the European Communities (SEC(2006) 662 of 31 May 2006).

9. The **time limits for keeping** the data are the following:

In accordance with the 2019 Retention List of the Commission: 5 years after closure of the case.

In accordance with the common Commission Retention List and after the 'administrative retention period' of 5 years, files are transferred to the Historical Archives of the European Commission for historical purposes.

10. Contact information

In case you have any questions about the collection/processing of your personal data, you may contact the data controller who is responsible for this processing activity by using the email address mentioned here above in Section 1

You may contact at any time the Data Protection Officer of the Agency (CINEA-DPO@ec.europa.eu). You have the right to have recourse at any time to the European Data Protection Supervisor (edps@edps.europa.eu).