



EUROPEAN  
COURT  
OF AUDITORS

## **Privacy statement on the further processing of personal data for archiving purposes**

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## 1. Introduction

This privacy statement concerns the European Court of Auditors' (ECA) processing operation "*Selection and preservation of the ECA's historical documents over the long-term*", which covers paper and digital documents that have been selected for preservation in the ECA historical archives because of their enduring historical and administrative value.

## 2. What are the rules governing the use of your data?

[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 (EUDPR) is the legal framework for the processing of personal data within the Court.

The following documents provide for the legal basis of the processing operation described in this Privacy Statement:

- [Council Regulation \(EEC, Euratom\) No 354/83](#) concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community, as amended by Council Regulation (EC, EURATOM) N°1700/2003 of 22 September 2003 and Council Regulation (EU) 2015/496 of 17 March 2015<sup>1</sup>
- Framework Partnership Agreement concluded in 2019 between the European Union - represented by the European Commission - and the European University Institute in Florence (Agreement Number SG-FPA-2019-1; Ref. Ares(2019)1767067 - 18/03/2019)
- [ECA Decision N° 78-2007](#) on Archive Management at the European Court of Auditors
- [ECA DEC 13/09](#), Annex II, The ECA file classification plan and ECA retention schedule<sup>2</sup>
- [Staff Notice 157/22](#) of 12 December 2022 on Guidance Note on the processing of personal and sensitive data in the ECA's historical archives<sup>3</sup>

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<sup>1</sup> The Regulation established the [Historical Archives of the European Union](#) (HAEU), where the EU institutions would deposit and make accessible to the public their historical archives (i.e. archives older than 30 years). Following an agreement between the European Commission – on behalf of the institutions – and the European University Institute in Florence, the HAEU have been hosted in Florence since 1984 (the current siege is the historic [Villa Salviati](#) in Fiesole). All reference in this document is made to the latest consolidated version of Regulation 354/83.

<sup>2</sup> The ECA has set up retention periods for all the 'series' (sets of documents) produced by its departments: the official list of all retention periods is the **ECA retention schedule**. The schedule is based on the ECA file classification plan (Annex I to DEC 13/2009 on the Court's records management project (ISO Standard 15489): state of progress and preliminary measures): The Archives Service, the Legal Service, the DPO and the ISO drew up the retention schedule in cooperation with the ECA departments. The Archives Service regularly updates the schedule in accordance with ECA rules and EU regulations, as well as emerging administrative needs and working practices. The Archives Service, the DPO and the ISO have also drawn up a specific retention schedule for audio-visual documents. The ECA retention schedules – also in the form of "quick guides" - are published on the [Archives service's ECAnet page](#).

<sup>3</sup> The Guidance note can be consulted also from the [Archives service's ECAnet page](#).

- Procedures for the transfer to the archives or destruction/deletion of documents<sup>4</sup>
- Handover procedure for cabinet archives.

### 3. Who is responsible for handling your data?

The **ECA Archives service** acts as **data controller** for all the documents that have been selected for **long-term preservation** because of their enduring administrative and historical value whereby:

“long term” is a period of time that extends into the future for as long as the archival administrative organisation in place as well as the physical and technological means available allow to protect the documents from deterioration or accidental loss or destruction.

Moreover, according to art.8, 11 of Regulation 354/83, the HAEU **acts as processor to the ECA** for all the ECA documents that they preserve on their premises and process under ECA instructions. The HAEU is responsible for processing any personal data contained in the historical archives of the ECA in accordance with the EUDPR.

### 4. Why and how do we collect your personal data?

As they carry out their activities, ECA department create and receive documents of various types (e.g. letter, form, recording, voicemail, email, other electronic communication, photo, etc.) and form (on paper, digital). When such activities have ended, ECA departments must still keep the documents for a minimum length of time, which is called retention period. During this time the documents might still be useful for transparency or audit reasons, to support litigation, protect the ECA’s assets and staff’s rights or comply with fiscal, accounting, or other legal or regulatory obligations. There are specific retention periods set for each ‘series’ (sets of documents) created and received by the ECA departments. At the end of their retention periods, documents are selected either for destruction or for transfer to the historical archives.

The remit of the Archives service – and of the HAEU delegated by the ECA – is to **preserve the institutional memory of the ECA**, which is embodied in the documents that are selected for long-term preservation among the ones that the ECA departments created or received.

The activities made under the present processing operation include:

- **Selecting and destroying documents having no historical value** - this activity is carried out by the Archives service at the end of the various retention periods, in cooperation with the ECA

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<sup>4</sup> All the procedures are published on the [Archives service’s ECAnet page](#).

departments who created the documents. It includes the **deletion of electronic files** as well as the **destruction of paper files**;<sup>5</sup>

- **Selecting and transferring to the archives all the documents having an historical value** - this activity involves the transfer of **paper and electronic** files from the ECA departments to the ECA historical archives at the end of the various retention periods;<sup>6</sup>
- **Transferring paper files to the HAEU** – this activity is carried out by the Archives service, and involves the transfer to the HAEU of all paper documents that are older than 30 years and can be consulted by the public;
- **Managing the ECA’s digital historical archives over the long term** – this activity is carried out by the Archives service, according to the rules set out in the ECA’s digital preservation policy (*ongoing*).<sup>7</sup> The Archives service cooperates with the ECA’s IT department to set up the technical infrastructure that is necessary for the long-term storage and management of such archives;
- **Giving documents to the public for consultation** – this activity is carried out by the Archives service and by the HAEU. Documents older than 30 years having an historical value are made available for consultation to any requestor according to art. 1 of Regulation 354/83;
- **Describing documents in archival finding aids** – this activity is carried out by the Archives service and the HAEU. It consists in drafting guides and document inventories in accordance with archival standards, to help researchers to find the documents of their interest;
- **Preserving special types of historical documents: web-archives and audio-visuals** – since 2014 the ECA has been participating in the [EU web-archiving project](#). An external provider, Archive-IT - under the responsibility of the EU Publications Office - regularly crawls all the websites under the europa.eu domain, including the ECA’s website. Audio-visuals are also part of the ECA historical archives. They can make up an individual archival series (e.g. photos and videos created by the team in charge of communication activities) or be part of the ECA’s web-archives. A specific retention schedule sets up the retention rules and the confidentiality levels that apply to the ECA’s audio-visuals;<sup>8</sup>
- **Backing-up and restoring data** – this activity is necessary for business continuity reasons and includes the ECA’s digital historical archives. The ECA, as the owner of its IT infrastructure and responsible for its full administration, regularly backs-up its data. The back-ups are kept only for as long as it is provided for in the ECA Backup policy.<sup>9</sup>

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<sup>5</sup> See above, note 4).

<sup>6</sup> Idem.

<sup>7</sup> The policy will be made available on the Archives service’s ECAnet page. Note that, according to art. 1 of the Annex to [Regulation 354/83](#), the ECA is the sole responsible for the preservation of its digital historical archives: however, the HAEU shall have permanent access to the documents in such a way as to allow it to fulfil the obligation to make the historical archives accessible to the public from a single location and to promote their consultation.

<sup>8</sup> See above, note 2).

<sup>9</sup> [Staff Notice 54/2020 of 15 May 2020](#) on Backup policy - update.

## 5. What personal data do we collect and further process?

### 5.1 Personal data in documents

**Personal data** might be **part of the content of the documents** that are subject to appraisal, i.e., the analysis and assessment/review of the documents' enduring administrative and historical value to decide whether they can be selected for transfer to the historical archives or must be destroyed.

Depending on the activities and tasks during which the documents were created, the following personal data might be processed during the appraisal:

- identification data: first name, surname, date of birth, passport number, ID number, nationality, function data, etc.;
- contact details (e-mail address, business telephone number, mobile telephone number, postal address, Company and department, country of residence, internet address);
- certificates for social security contributions and taxes paid, extract from judicial records;
- financial data: bank account reference (bank name, IBAN and BIC codes), VAT number;
- 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;
- for tenderers, declaration on honour that they are not in one of the exclusion situations referred to in Articles 136 and 141 of the Financial Regulation;

At the end of the appraisal, only very little personal data make it to the historical archives, either because the documents that contain them are destroyed or because they are redacted in such a way that the personal data is removed (anonymization). For more details, please refer to the Guidance Note on the processing of personal and sensitive data in the ECA's historical archives.<sup>10</sup>

### 5.2 Personal data used as metadata

Personal data might also be used to **describe the documents themselves**: in this case they are used as **"metadata"**.

ECA departments must describe their documents with metadata to ensure that they are uniquely identified throughout their lifecycle and to clarify the context of their creation and use. Furthermore, metadata makes it easier to search for documents that may be stored in different applications.

**The ECA has set up a minimum set of mandatory metadata<sup>11</sup>** that must accompany every ECA document. The document's title, which is one of the mandatory elements, can contain personal

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<sup>10</sup> See above, note 3).

<sup>11</sup> See Staff Notice 053/2014 of 19 December 2014 on [ECA metadata policy](#).

data, even sensitive one (e.g., the name of a member of staff who is subject to a disciplinary proceeding). The same is true for the metadata regarding the author of a document, whose name might need to be kept confidential (e.g., upon registration of a fraud denunciation). In these cases, there are rules in place that help the ECA departments to use metadata in a confidential manner (e.g., pseudonyms are used instead of names).<sup>12</sup>

At the end of their retention periods, documents are transferred to the ECA historical archives along with their metadata: any metadata that were modified by the ECA departments for confidentiality reasons will still stay confidential also in the archives.

Moreover, the ECA Archives service use metadata to describe documents in **archival finding aids**. You might find your personal data (e.g. name, function) included in a finding aid – especially one that goes down to the document level - if you were the author of a particular document, the responsible for a project, or the presenter of a paper or Report (e.g. a Member or a high-level person in the ECA organisation charter), just to give a few examples.

The HAEU may also consolidate and complement the archival descriptions and other finding aids provided by the ECA. All the descriptions are made available by the ECA and the HAEU via online catalogues (e.g., HAEU portal;<sup>13</sup> European Archives Portal Europe<sup>14</sup>).

Finally, the following types of personal data can be used as metadata:

- **digital signature metadata**, which identify the signatories of digital documents;
- **personal data in IT log and workflow data** (e.g., name, surname, department, e-mail address of the people involved in different actions), which are created, for example, during transfers to the historical archives or destructions;
- **personal data in access management and control metadata** (name, surname, department, e-mail address and individual access rights of the users of digital preservation systems and online catalogues set up by the ECA and by the HAEU premises).

## 6. How long do we keep your data?

**Personal data in the documents' content** is kept throughout the retention periods that apply to the documents unless they are no longer needed: in this case, the personal data is erased even before the end of the retention periods, in line with the data minimisation principle.

Special rules apply to **personal data contained in documents classified as sensitive** according to the ECA Information Classification Policy<sup>15</sup>: during the 'active' part of their lifecycle these documents

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<sup>12</sup> See the [Guidance on the redaction and sanitization of sensitive documents](#), which is published on the Archives service's ECAnet page.

<sup>13</sup> <https://www.eui.eu/en/academic-units/historical-archives-of-the-european-union>

<sup>14</sup> <https://www.archivesportaleurope.net/directory>

<sup>15</sup> Staff Notice 123/20 of 16 November 2020.

are only accessible to the ECA departments that created or received them, and are stored in secure cupboards or safes (paper documents) or in secure network drives (born-digital documents). In general, ECA will never select them for long-term preservation. However, if a decision is made to keep them for historical or statistical reasons, and to transfer them to the ECA historical archives, the following data protection and security measures will apply:

- o at the level of metadata, **pseudonymisation** (e.g., a code will be used in the title of a document concerning a disciplinary or a legal proceeding);
- o at the level of individual documents, **redaction** (e.g., names or other personal data will be deleted, which means the de-identification of the datasets);
- o at the level of case/task files, **weeding operations** (e.g., for audit files this means keeping only the documents regarding the audit's milestones and deleting all audit evidence; for a legal case file it means keeping the final ruling and deleting all the supporting documents).

**Personal data in ECA mandatory metadata** might be kept **indefinitely** to: a) meet legal obligations regarding public access to documents and the opening to the public of the ECA historical archives; b) verify the validity of born-digital or digitised documents.

**Personal data in IT log and workflow data** is kept **temporarily** according to the IT systems logging and audit policy.<sup>16</sup> An exception is log data regarding the transfer or destruction of documents, which is kept indefinitely.<sup>17</sup>

**Personal data in access management and control metadata** for temporary accounts (e.g., for students or researchers who spend a few days to make research in the library or archives) is kept for as long as the person concerned has the need to have his/her account active.

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

According to art. 1 of Regulation 354/83 researchers and the public have the right to consult ECA historical documents older than 30 years: therefore, they will have access to all personal data in the documents content as well as to the one used as metadata in archival finding aids.

The ECA web-archives are publicly available as part of the European Union web-archives collection as soon as they are crawled. They are accessible from the EU Publications Office's dedicated portal<sup>18</sup> as well as from the provider's website.<sup>19</sup>

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<sup>16</sup> Staff Notice 054/2022 of 27 June 2022 on the ECA IT systems logging and audit policy.

<sup>17</sup> These are Service Portal logs that are kept by the Archives service when the ECA departments request the transfer of their documents to the A: drive. This is in line with the procedure for the transfer of electronic documents, which is mentioned above, note 4).

<sup>18</sup> See: <https://op.europa.eu/en/web/euwebarchive>.

<sup>19</sup> See: <https://archive-it.org/collections/12090>.



## 8. How do we safeguard against possible misuse of or unauthorised access to your data?

The ECA outsources the destruction of **paper documents that have no enduring historical value** to an external contractor, who carries it out on its premises under a specific confidentiality clause. During the destruction, the contractor is not allowed to access the documents, and the ECA information security and data protection staff supervise the safe destruction of the documents.

**Paper documents** having an enduring historical value are stored on the ECA's premises in dedicated archives rooms that are only accessible to the Archives service, authorised staff from the Logistics team, the Information Security Officer (ISO) and the security guards on duty.<sup>20</sup>

The ECA Archives service prepares the transfer of paper documents older than 30 years to the HAEU premises in Florence: a contractor, who must provide appropriate insurance, will then take care of the physical transportation. The HAEU ensures that the storage over the long term is secure and purpose-built repositories are available.<sup>21</sup>

Currently, the transfer of historical **digital documents** from ECA's document management applications to the ECA electronic archives is carried out by ECA externals (IT Administrators) who have signed a confidentiality clause and pledged not to use or access the data they manage (which might include your personal data). The Archives service must approve and assess the correctness of all transfers. A log of all the transfer requests is kept indefinitely.<sup>22</sup>

The ECA and the HAEU have set up rules on the **consultation** of the documents stored on their premises.<sup>23</sup>

Researchers or other requestors must sign a **consultation form**, which includes a **declaration of honour** that they will not disclose personal or sensitive information that they might gather by consulting ECA's documents and that might be harmful to the reputation of individuals or legal bodies.

The HAEU give access to digitised documents from their portal but require that users/requestors create an account.

The ECA web-archives are publicly accessible with no limitation, in line with the confidentiality rules that apply to the ECA's 'live' website.

## 9. What are your rights?

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<sup>20</sup> See also [Staff Notice 008/23 of 9 January 2023](#) on Security policy for archive rooms. The policy can be consulted also from the Archives service's ECAnet page.

<sup>21</sup> See art. 8,5 of Regulation 354/83, as last amended.

<sup>22</sup> See above, note 17).

<sup>23</sup> See Staff Notice 158/22 of 12 December 2022 on [Guidance note on consulting the ECA's historical archives](#), as well as the [Rules Governing the Access and Use of the Historical Archives of the European Union \(HAEU\)](#).

Your rights in respect of your personal data are set out in Regulation (EU) 2018/1725. However, note that once the documents are transferred to the ECA historical archives the **exercise of your data subject rights might be limited**. The Guidance Note on the processing of personal and sensitive data in the ECA's historical archives identifies the exceptions and clarifies the reasons why these limitations might apply.<sup>24</sup>

The Archives services would, in most cases, not be able to fulfil data subjects' requests if that would imply:

- a) violating the Archives services' mission of preserving the integrity of the archives and making them available to the public
- b) rendering impossible or seriously impairing the achievement of the specific purposes of the HAEU.

If the ECA web-archives include any photos or videos in which you were depicted without your consent you may ask to take them down.<sup>25</sup>

## 10. Who should you contact if you have a query or complaint?

The first point of contact is the data controller, the ECA Archives service that you may contact at [ECA-archives@eca.europa.eu](mailto:ECA-archives@eca.europa.eu).

If you have any concerns/complaints about the processing of your personal data you may contact at any time the ECA's Data Protection Officer at [ECA-Data-Protection@eca.europa.eu](mailto:ECA-Data-Protection@eca.europa.eu), European Court of Auditors Data Protection Officer – 12, rue Alcide de Gasperi – 1615 Luxembourg.

If your request relates to a content in the EU web archive, the data controller is the Publications Office of the European Union, unit A.4, "Preservation and Legal Deposit", and you should address your question to them directly via [this contact form](#).

If your request related to access a content from the ECA historical archives, you can contact the [HAEU](#) directly.

You have the right to lodge a complaint, at any time, with the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu))-concerning the processing of your personal data.

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<sup>24</sup> See above, note 3).

<sup>25</sup> See the privacy statement on the "[Web archive of the European Union](#)" processing operation.