



EUROPEAN  
COURT  
OF AUDITORS

## Data Protection Statement

### Processing of personal data by the ECA's Data Protection Officer ('DPO') and the DPO Team

This privacy statement concerns the European Court of Auditors' ('ECA') processing of personal data in the context of the tasks assigned to the DPO by the [Regulation \(EU\) 2018/1725](#) ('EUDPR')<sup>1</sup> and the ECA's [Decision No 40-2021](#) adopting implementing rules concerning the Data Protection Officer pursuant to Article 45(3) of the EUDPR ('DPO implementing rules').

The manner in which the DPO and the DPO Team (hereinafter "**we**") process and protect your personal data is described in this data protection statement.

#### The different sources of personal data

Depending on the processing operation concerned, we:

- either collect your personal data directly from you (e.g., when you notify a processing activity to the DPO, when you submit a question or a complaint related to data, when you notify a potential personal data breach, etc.), or
- we receive your personal data from another source (i.e., anyone contacting the DPO who might provide your personal data to us or any personal data we might come across when performing our professional duties, such as providing advice on data protection matters, carrying out data protection compliance audits and inspections, etc.).

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

Data processing operations are under the responsibility of the DPO of the ECA.

#### Why do we process your data?

##### Main purposes of processing

In accordance with the DPO implementing rules and Articles 43-45 EUDPR, we process your personal data for the following purposes:

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<sup>1</sup> [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.

Processing activity	Legal basis
Processing of notifications of data processing activities sent to us by controllers or data protection coordinators or their assistants, assisting the latter in the preparation of their records, publishing the records on the ECA's DPO website and keeping the register of record.	Articles 5(3) and 5(4) of DPO implementing rules
Processing of complaints, information requests, requests to exercise data subject rights, notifications of personal data breaches and requests for opinion.	Articles 5(6) – 5(8) and 7 of DPO implementing rules, and ECA's internal procedure for handling personal data breaches.
Processing declaration forms from staff relating to their instructions about their personal data handling in the event of death.	ECA's internal procedure 'Processing of the private documents and personal e-mails in the event of death'.
Monitoring the implementation of the procedure relating to personal belongings in office in the event of a departure from the ECA or a death.	ECA's internal 'Personal Belongings in Office Procedure'
Carrying out inspections and audits.	Articles 5(2) and 5(12) of DPO implementing rules
Creation and publication on the intranet/internet notices and guidelines on data protection topics, carrying out surveys, providing data protection training, raising awareness via other means (e.g., newsletters), etc.	Article 5(1) of DPO implementing rules
Anonymisation of documents which must be sent to the historical / permanent archives.	ECA's internal 'Guidance on the processing of personal and sensitive data in the ECA's historical archives'.

Your personal data will not be processed for any purpose other than that for which they have been collected/obtained.

## Archiving

In accordance with [Council Regulation No 354/83](#), as amended, and ECA Decision 78-2007 on Archive Management, documents of enduring administrative and/or historical value are preserved and made available to the public wherever possible. The **historical archives** are open to the public after a period of 30 years, commencing on the date on which a document was created.

If a document created in the context of the DPO professional tasks is selected for long-term preservation, owing to its enduring administrative and/or historical value, it will be transferred to our historical archives at the end of the retention period specified under section '**How long do we keep your data?**'. The selection and archiving process is subject to appropriate safeguards<sup>2</sup>. However, it is important to note that due to the sensitivity level of the majority of files we handle, very little documents are selected for long-term preservation.

For example, documents that are sent to the historical archives include the following:

- the notifications of processing of personal data to the DPO;

<sup>2</sup> The selection and archiving process is subject to appropriate safeguards that include ensuring respect of the principle of data minimisation. For e.g., before documents are sent to the historical archives, they are checked and personal data are removed in accordance with the ECA retention schedule applicable to each document type, process, and information system maintained by the ECA Archive Service. This service is required to review documents in order to erase or pseudonymise any personal data they contain, with due regard to the principle of proportionality, before they are sent to the historical archives. For more information, you may contact the Archive Service at eca-archives [at] eca.europa.eu. The ECA's historical archives are deposited at the Historical Archives of the European Union (HAEU) hosted at the European University Institute (EUI), processor to the ECA, in Florence, Italy. However, very few documents of the DPO service are transferred to Florence, the majority of those documents selected for permanent preservation remain in the ECA's archives (on-premise).

- the requests for opinion sent to the EDPS;
- the data protection impact assessments ('DPIAs');
- opinions provided by the DPO (including guidelines, notes, etc.);
- training material prepared by the DPO;
- documents created as a result of the cooperation between DPOs of EUIBOAs (i.e. DPO Network).
- the DPO annual activity report.

Documents relating to the data subject's requests or complaints undergo a selection process during which only few cases are selected for permanent preservation, however, the documents are anonymised prior to transferring them to the historical archives.

Documents relating to personal data breaches are not transferred to the historical archives. They are erased at the end of the retention period. The same applies to other documents, such as the forms received from staff with instructions about data handling after death and files relating to investigations/audits carried out by the DPO. In extremely rare cases, if a file has an administrative or historical value, the case could reach the historical archives, subject to anonymisation.

## What rules govern the use of your personal data?

The legal basis for the processing of your personal data are the EUDPR and the DPO implementing rules. When carrying out surveys, the processing is based on your consent. In this case, you can withdraw your consent anytime.

The legal basis for the further processing for historical archiving purposes is the Council Regulation (EEC, Euratom) N° 354/83 of 1 February 1983 concerning the opening to the public of the Historical Archives of the European Economic Community and the European Atomic Energy Community, as amended.

## Which personal data do we process?

Personal data we collect and process include the following:

- **Identification details** (such as first and last name, organisation, position, email address and telephone number), as well as signatures in documents and proof of identity, as necessary;
- **Video, photos, voice**, as necessary;
- **Communication data**, such as emails, letters containing personal data. This includes as well inputs/answers to questions if they contain personal data or are linked to a person;
- **Personal data included in the information, documents or queries we receive.**

All the personal data mentioned above will not be processed for each processing activity. The DPO ensures that only the data necessary for each processing operation is processed to reach the specific purpose.

## How long do we keep your data?

Your personal data will be retained for 3, 5 or 10 years depending on the specific case, as described hereunder:

- Notifications, DPIAs: while there is no personal data in the record of processing or in the DPIA, some personal data is processed when exchanging on these topics. Respective files will be retained until the end of the processing operation that the notification or DPIA cover.

- Training material, opinions, guidelines, notes, documents created as a result of the cooperation between DPOs of EUIBOAs (i.e. DPO Network), the DPO annual activity report: retained for 10-years.
- Data breaches/ data subject requests/ complaints: retained for 5 years after the closure of the respective case (longer retention could be applied if the AIPN or the Legal service request that a specific case is kept above the retention defined hereto).
- Investigations or audits carried out by the DPO: 3 years after the date of the decision (if no case was made against the official; no disciplinary penalty was imposed; a written warning was issued; a reprimand was issued) or 6 years after the date of the decision (if a penalty referred to in Article 9(c) to (h) of Annex IX to the Staff Regulations was imposed);
- The form filled in by a staff member providing instructions to the DPO to handle personal data in the case of a death: retained until the staff leaves the ECA or 5 years after the death, or until you withdraw your consent;
- In the case of the Personal Belongings in Office Procedure: files will be retained for 5 years after the closure of the respective case.
- The list of controllers and data protection coordinators will be updated as necessary (old lists will be erased periodically).

Only a very limited amount of personal data reaches the ECA archives. The rules on retention are defined in ECA archiving decision and, in any case personal data will be kept no longer than is necessary for the purposes for which they are processed, after which they will be destroyed.

## Who has access to your data and to whom will your data be disclosed?

We have access to your data according to the “need to know” principle.

If you lodge a complaint, your personal data may be transferred to the European Ombudsman and/or the European Data Protection Supervisor.

The ECA Archivist could possibly access a limited portion of personal data when checking the documents who are selected for permanent preservation.

Your personal data may be transferred to the ECA’s Legal Service if legal advice is required.

## Our security measures to safeguard data

Data sets are stored securely in the ECA’s data centre in Luxembourg and are therefore covered by the numerous measures taken to protect the availability, integrity and confidentiality of the institution’s electronic assets.

Access to personal data is restricted to a specific user group. Access rights are granted on a “need to know” basis, taking account of the role, post and responsibilities of the user concerned. These rights are continually updated as staff assignments change.

The ECA’s Secretary-General has overall responsibility for implementation of the rules on access rights and compliance with the rules on data protection, but has delegated responsibility in these areas to different entities. The Court has an information security policy, and an Information Security Officer who ensures that the policy is implemented correctly and that the related checks are tested for efficiency.

## What are your rights and how can you contact us?

Your rights in respect of your personal data are set out in Articles 17 to 24 of EUDPR. Find more details about your rights in [this document](#). In summary:

- You have the right to access your personal data and have them rectified where they are inaccurate or incomplete.
- Under certain conditions (e.g., when data is no longer necessary for the purpose for which they were collected or processed, if you withdraw consent to the processing etc.), you have the right to ask us to erase your personal data.
- You also have the right to restriction of processing in certain circumstances (e.g., when we no longer need your personal data, but you require them for the establishment, exercise or defence of legal claims).
- Where applicable, you have the right to object to the processing of your personal data, on grounds relating to your situation, and the right to data portability.
- Where the processing of your personal data is based on your consent, you may withdraw that consent at any time, following which your personal data will be irrevocably removed from our records without undue delay and you will be informed, unless such deletion is prevented by a legal/contractual obligation.

We will consider your request, make a decision and communicate it to you without undue delay, and in any event within 1-month of receipt of the request. This period may be extended by two further months, where necessary (based on the complexity and number of the requests).

You may exercise your rights by contacting the data controller at [eca-info \[at\] eca.europa.eu](mailto:eca-info@eca.europa.eu). You may contact our DPO ([eca-data-protection \[at\] eca.europa.eu](mailto:eca-data-protection@eca.europa.eu)), should you have any concern or complaint regarding the processing of your personal data<sup>3</sup>. You have the right to lodge a complaint regarding the processing of your personal data with the EDPS ([edps \[at\] edps.europa.eu](mailto:edps@edps.europa.eu))<sup>4</sup>.

As specified in Court decision No 42-2021<sup>5</sup>, your rights may be restricted in certain circumstances, for example:

- when conducting administrative inquiries;
- conducting preliminary activities related to cases of potential irregularities reported to OLAF; ensuring the confidentiality in the event of serious irregularities (whistleblowing);
- ensuring internal security at the Court;
- ensuring that the DPO may carry out investigations;
- providing assistance and cooperation to ore receive from EU Member States' public authorities, third countries and international organisation;
- processing personal data in documents obtained by the parties or the interveners in the context of judicial proceedings before the Court of Justice of the European Union.

You can exercise your rights by contacting the data controller, using the contact information given below.

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<sup>3</sup> Article 7 (3) of [Decision No 40-2021](#) adopting implementing rules concerning the Data Protection Officer pursuant to Article 45(3) of Regulation (EU) 2018/1725 states: "Consultation and complaints: (3) A person who has questions or complaints concerning data protection at the Court should in the first instance address these to the DPO, without prejudice to their right to contact the EDPS directly. The DPO may launch an investigation as described in Article 8 of this Decision upon such a question or complaint."

<sup>4</sup> Article 63 EUDPR - Right to lodge a complaint with the European Data Protection Supervisor: "1. Without prejudice to any judicial, administrative or non-judicial remedy, every data subject shall have the right to lodge a complaint with the European Data Protection Supervisor if the data subject considers that the processing of personal data relating to him or her infringes this Regulation."

<sup>5</sup> Decision No [42-2021](#) of the ECA of 20 May 2021 adopting internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data in the framework of activities carried out by the European Court of Auditors.

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

The first point of contact is the DPO acting as data controller ([ECA-Data-Protection \[at\] eca.europa.eu](mailto:ECA-Data-Protection@eca.europa.eu)).

Data Protection Officer  
European Court of Auditors  
12 Rue Alcide de Gasperi  
1615 Luxembourg  
LUXEMBOURG

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