



Data Protection Notice for handling of complaints sent to the European Ombudsman and managed by HaDEA

The European Health and Digital Executive Agency (HaDEA) processes your personal data¹ in line with [Regulation \(EU\) 2018/1725 of the European Parliament and of the Council of 23 October 2018](#)² on the protection of personal data by the European Union's institutions, bodies and agencies and on the free movement of such data.

What is the purpose(s) of this processing activity?

The purpose is to handle complaints and correspondence transmitted to HaDEA by the European Ombudsman or his/her office in the framework of investigations by the latter into possible cases of maladministration.

Who is the data controller?

The data controller of the processing operation are the Head of Unit C2 “Financial support and control” of the European Health and Digital Executive Agency (HaDEA) and the Secretariat General of the European Commission³.

The European Commission and the Executive Agencies have signed a joint controllership agreement that sets out the allocation of respective roles, responsibilities and practical arrangements between them for compliance with their data protection obligations under Regulation (EU) 2018/1725 as joint controllers. That agreement is an arrangement within the meaning of Article 28(1) and (2) of Regulation (EU) 2018/1725.

The joint processing operation consists of the following processing activities carried out in the framework of European Ombudsman enquiries dealt with jointly by the Parties:

- storage of correspondence, including annexes thereto, from and to the European Ombudsman services regarding European Ombudsman enquiries and related correspondence, such as requests for information or requests for specific types of follow-up, in electronic or paper files or databases;
- transmission of the above-mentioned correspondence to other Operational controllers;
- assessment of the enquiry or request and preparation and transmission of a reply;
- erasure of the above-mentioned correspondence and related personal data processed in the context of the processing operation.

Which personal data is collected?

¹ **Personal data** shall mean any information relating to an identified or identifiable natural person (‘data subject’). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

² 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L295/39 of 21.11.2018).

³ [ARES\(2021\)5396089](#)

The following of your personal data are processed:

- Various personal data communicated to HaDEA by the Ombudsman in the context of the handling of the complaint. These data may also be included in the reply of the Agency.
- Personal data held by the Agency relating to the subject matter of the complaint.

Who has access to the personal data of data subjects and to whom can they be disclosed?

The recipients of your personal data will

- The Director of the Agency, the relevant Head of Department, Head of unit and/or Head of Sector, Legal Sector of the Agency and the relevant HaDEA staff,
- The authorised staff of Agency responsible for carrying out the handling of the complaints addressed to the European Ombudsman.
- The European Ombudsman and its relevant staff.
- The Secretariat general and the relevant Directorate general of the European Commission

On a need to know basis and in compliance with the relevant current legislation, bodies charged with monitoring or inspection tasks in application of EU law (e.g. EC internal audit, Court of Auditors, European Anti-fraud Office (OLAF), the European Ombudsman, the European Data Protection Supervisor, the European Public Prosecutor).

Your personal data **will not be transferred** to third countries or international organisations.

The processing of your data will **not include automated decision-making** (such as profiling).

Which is the legal basis for processing your personal data?

The legal basis for the processing activities is/are

- Article 5(1)(a) of Regulation EU 2018/1725 because 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)⁴;
- Article 5(1)(b) of Regulation EU 2018/1725 because processing is necessary for **compliance with a legal obligation** to which the controller is subject
- Article 228 of the [Treaty](#) on the functioning of the European Union (TFUE)

⁴ Act of Establishment: Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Health and Digital Executive Agency *and reference to programme or other relevant legal basis*].

- [Decision](#) of the European Parliament of 9 March 1994 on the regulation and the general conditions governing the performance of the Ombudsman's duties adopted by Parliament on 9 March 1994 (OJ L 113, 4.5.1994, p. 15) and amended by its decisions of 14 March 2002 (OJ L 92, 9.4.2002, p. 13) and 18 June 2008 (OJ L 189, 17.7.2008, p. 25).

How to withdraw your consent and the consequences of doing this

Not applicable

How long do we keep your personal data?

Your personal data will be kept for a maximum period of **5 years** from the date of closure of the complaint. Data will be deleted at the end of this period.

What are your rights regarding your personal data?

You have the right to access your personal data and to request your personal data to be rectified, if the data is inaccurate or incomplete; where applicable, you have the right to request restriction or to object to processing, to request a copy or erasure of your personal data held by the data controller. If processing is based on your consent, you have the right to withdraw your consent at any time, without affecting the lawfulness of the processing based on your consent before its withdrawal.

Your request to exercise one of the above rights will be dealt with without undue delay and within **one month**.

If you have **any queries** concerning the processing of your personal data or wish to exercise any of the rights described above, you can contact the Head of HaDEA unit C2.3 at HADEA-LEGAL-ADVICE@ec.europa.eu or the Secretariat-general of the Commission at SG-UNITE-C2@ec.europa.eu (both entities acting as data controllers) You can also contact either the European Commission DPO at EC-DPO-INTERNAL@ec.europa.eu or the HaDEA DPO at HADEA-DPO@ec.europa.eu

You shall have right of recourse at any time to the European Data Protection Supervisor at EDPS@edps.europa.eu.

Version [*indicate here month – year of draft and revision*]