



## **Data Protection Notice for Court cases in which HaDEA would be party to**

The European Health and Digital Executive Agency (HaDEA) processes your personal data<sup>1</sup> in line with [Regulation \(EU\) 2018/1725 of the European Parliament and of the Council of 23 October 2018<sup>2</sup>](#) 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** of the processing of personal data in the handling of a case or a potential case in front of national and European jurisdictions whilst ensuring the required accuracy in carrying out the defence of HaDEA's interests.

### **Who is the data controller?**

The data controller of the processing operation is the Head of unit C2 Financial support and control of the European Health and Digital Executive Agency (HaDEA).

Within this unit, HaDEA Legal Team is in charge of handling cases in front of national and European Court. HaDEA Legal Team may be assisted by an external lawfirm for legal advice or support in the proceeding.

### **Which personal data is collected?**

The following of your personal data may be collected and/or processed<sup>3</sup>:

- the form of personal identification numbers (staff numbers and ID numbers)
- concerning the physical characteristics of persons as well as the image, voice or fingerprints (pictures in ID documents)
- concerning the data subject's private sphere (eg: nationality...)
- concerning pay, allowances and bank accounts (information on the calculation of the pay and allowance, bank account details)
- concerning recruitment and contracts (selection, information (scores, evaluation grids), starting date of contracts, grades and seniority in the grade, function group)

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<sup>1</sup> **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.

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

<sup>3</sup> This list is not exhaustive depending of the nature of the litigation and the content of the case and/or litigation.

- concerning the data subject's family (family composition, birth date, nationality, marital status)
- concerning the data subject's career (curriculum vitae, appraisal reports and reclassification)
- concerning leave and absences (concerning starting/end dates, type of leave, justification)
- concerning missions and journeys (concerning starting/end dates and routes)
- concerning social security and pensions (rights, allowances and benefits)
- concerning expenses and medical benefits (invoice for reimbursement of cost claim)
- concerning telephone numbers and communications (including the private one)
- concerning names and addresses (including email addresses)
- concerning expenses/reimbursement claims by experts and staff of beneficiaries.

The following personal data can be considered as sensitive by nature:

- data relating to suspected offences, offences, criminal convictions or security measures (as part of the legal advice processing only: data concerning ongoing criminal related court cases, OLAF investigations, administrative and disciplinary procedures, EDES related information)
- data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct)

The processing of this personal data is **mandatory** for the purposes outline above.

Some of the personal data processed may originate from a third party involved in the context of a case in front of the Court.

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

**The recipients** of your personal data will be HaDEA Director, members of the management, relevant staff members of the Agency including the Legal Team, staff members of the Common Legal Support Service in DG RTD, staff members of the relevant Commission services, in particular Legal Service and the relevant jurisdiction.

Where data is transmitted to the Translation Centre for the Bodies of the EU in the context of a request for translation of any submission received or to be lodged through e-curia, when necessary, the confidentiality of these documents is preserved in accordance with the applicable article of the Service Level Agreement signed with the Translation Centre.

Where data is transmitted to the external lawyer contracted to provide legal assistance to the HaDEA's legal agents in the context of the handling of a court case or to provide legal advice on a specific issue, the transfer of data will be done in full respect of the contractual clauses regarding data protection.

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 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)<sup>4</sup>;
- 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
- Articles 251 to 281 of the Treaty on the Functioning of the EU

### **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 closure of a case or consultation.

This is also the case for the handling of Article 22 requests, since the Commission Decision closing each case may be challenged before the General Court by the complainant, and thus may trigger a court case for which HaDEA needs to provide a contribution so as to support the Commission's Legal Service prepare its submission(s) before the court.

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 unit C2 Financial support and control of the European Health and Digital Executive Agency (entity acting as data controller) via: [HADEA-LEGAL-ADVICE@ec.europa.eu](mailto:HADEA-LEGAL-ADVICE@ec.europa.eu) and/or HaDEA DPO [HADEA-DPO@ec.europa.eu](mailto:HADEA-DPO@ec.europa.eu)

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<sup>4</sup> 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*].

**You shall have right** of recourse at any time to the European Data Protection Supervisor at [EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu).

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