



## DATA PROTECTION NOTICE FOR EX-POST AUDITS

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(s)** of the ex-post audits of grant agreements and decisions is to verify beneficiaries' or subcontractors' or third parties' compliance with all contractual provisions (including financial provisions), in view of checking that the provisions of the grant agreement or decision were properly implemented and in view of assessing the legality and regularity of the transactions underlying the implementation of the Union budget.

### Who is the data controller?

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

The following **entities process** your personal data on our behalf:

- Deloitte Réviseurs d’Entreprises Belgium : [be-hadea-audit@deloitte.com](mailto:be-hadea-audit@deloitte.com)
- BDO LLP – [Hadea@bdo.co.uk](mailto:Hadea@bdo.co.uk)
- PKF LittleJohn LLP – [hadea@eu-audits.eu](mailto:hadea@eu-audits.eu)

### Which personal data is collected?

All necessary data to efficiently conduct an ex-post control and audit may be the following:

- Identification such as first and last name, staff number, title, function, grade, contact details (phone number, personal and professional address, email address, communications) etc.
- Data concerning the data subjects’ career such as: professional activities and expertise, CV etc.

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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).

- Data subject's family names and contact details (email addresses, personal and professional address, telephone numbers and communications);
- Financial data such as invoices, salaries, payslips as well as relevant information such as performed hours linked to named staff/ staff number, timesheets, information about leave and absences, social security and pensions, expenses and medical benefits, individual hourly rate calculation, employment contracts, accounting records (including Payroll), cost accounting, information coming from local IT system used to declare costs, bank accounts etc.
- Supporting documents substantiating the expenses of the project such as minutes of meetings/ events, mission reports, travel costs etc.

This list of data requested is indicative, without prejudice for the Agency and its contractors to ask any other relevant information as foreseen under the relevant Articles of the grant agreements. Only personal data, which is necessary for the processing operation in the light of its purpose will be used.

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

**The recipients** of your personal data within the Agency: HaDEA staff in charge of ex-post controls C.2.002 (ex-post, internal control and anti-fraud sector), audit liaison officers, management, relevant project and financial officers.

Outside the Agency, the following recipients will have access to your personal data: external auditors (processors) acting on behalf of HaDEA, and their subcontractors if any, European Commission staff, such as DGs, Commission services in charge of ex-ante or ex-post controls and the implementation of audit results. Joint Undertakings (JUs)<sup>3</sup> and the European Cybersecurity Industrial, Technology & Research Competence Centre (ECCC) in charge of ex-post controls and the implementation of audit results in relation to their grant agreements and decisions.

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 **might be transferred** to the following third countries: the United Kingdom in case one of our contractors which is based in the United Kingdom will perform the audit on HaDEA's behalf. In such case the transfer takes places on the basis of an adequacy decision.<sup>4</sup>

The processing of your data will **not include automated decision-making**.

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<sup>3</sup> Two Joint Undertakings - The European High Performance Computing Joint Undertaking (EuroHPC JU) and Chips Joint Undertaking (Chips JU). The JUs are independent legal entities based on Article 187 of the Treaty on the Functioning of the European Union (TFEU). HaDEA is responsible for ex-post controls of the Digital Europe Programme for the whole programme (Annex I of Commission Decision C(2021)948 final).

<sup>4</sup> Commission Implementing Decision of 28.6.2021 pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council on the adequate protection of personal data by the United Kingdom C(2021) 4800.

## **Which is the legal basis for processing your personal data?**

**The legal basis** for the processing activities is 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>5</sup> and/or the processing is necessary for compliance with a legal obligation to which the controller is subject (Article 5(1)(b) of Regulation), which are laid down in Union law.<sup>6</sup>

## **How long do we keep your personal data?**

**Your personal data** will be kept for a maximum period of 10 years<sup>7</sup> from the closure of the annual audit plan file where audit information is stored. On condition that no contentious issues occurred; in this case, data will be kept until the end of the last possible legal procedure.

Data will be manually 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 right to information, access, rectification, erasure, restriction or objection to processing, communication of a personal data breach or confidentiality of electronic communications may be restricted only under certain specific conditions as set out in the **applicable [Restriction Decision](#)** in accordance with Article 25 of Regulation (EU) 2018/1725.

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<sup>5</sup> Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture Executive Agency and repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU. Commission Decision C(2021)948 final of 2 February 2021 delegating powers to the European Health and Digital Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of EU4Health, Single Market, Research and Innovation, Digital Europe, Connecting Europe Facility – Digital, comprising, in particular, implementation of appropriations entered in the general budget of the Union. Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240. Regulation (EU) 2021/1153 of the European Parliament and of the Council of 7 July 2021 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014. Regulation (EU) 2021/522 of the European Parliament and of the Council of 24 March 2021 establishing a Programme for the Union’s action in the field of health (‘EU4Health Programme’) for the period 2021-2027, and repealing Regulation (EU) No 282/2014. Regulation (EU) 2021/690 of the European Parliament and of the Council of 28 April 2021 establishing a programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme) and repealing Regulations (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014 and (EU) No 652/2014.

<sup>6</sup> Ibid 5. The right to carry out audits is foreseen in the agreements with the beneficiaries.

<sup>7</sup> The retention period should be decided in accordance with the Commission’s common retention list.

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 C.2 “Financial support and control” (entity acting as data controller) via [HADEA-EXTERNAL-AUDITS@ec.europa.eu](mailto:HADEA-EXTERNAL-AUDITS@ec.europa.eu) and HaDEA Data Protection Officer (DPO) [HADEA-DPO@ec.europa.eu](mailto: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](mailto:EDPS@edps.europa.eu).

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