



EUROPEAN INNOVATION COUNCIL AND SMEs
EXECUTIVE AGENCY (EISMEA)

Unit I-03. SMP – Internal Market and Consumers
I.03.2 Consumers

**Data Protection Notice for targeted consultation activities in the form of a survey
under the “Consumer Pro” project**

Data Controller is Head of Unit I.03 of the European Innovation Council and SMEs Executive Agency (EISMEA) and can be contacted at EISMEA-CONS-PROCUREMENT@ec.europa.eu.

The following **entities process** your personal data on our behalf as **data processor: BEUC** (Bureau Européen des Unions de Consommateurs), Rue d'Arlon, 80 Bte 1, 1040 Bruxelles, Belgium and their sub-contractor ConPolicy, Institut für Verbraucherpolitik, Friedrichstraße 224, 10969 Berlin, Germany.

1. Introduction

The European Innovation Council and SMEs Executive Agency (EISMEA) is committed to protect your personal data and to respect your privacy. We collect and further process personal data pursuant to [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.

This explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

This concerns the processing operation ‘Targeted consultation activities’, namely a needs analysis in the form of a survey in order to map all national consumer organisations and key ministries / authorities as well as to identify their respective training needs, undertaken by EISMEA in collaboration with the European Commission (Directorate General for Justice and Consumers). The survey will be carried out by BEUC together with their sub-contractor ConPolicy. The survey results will be used to decide on the topics/skills that need to be addressed in each country, so that the trainings benefit all actors. The results will also be used for the Commission policy-making and future initiatives that promote consumer rights.

2. Why and how do we process your personal data?

Purpose of the processing operation:

The purpose of this survey is to obtain the views of stakeholders and individuals concerned by the subject matter of the targeted consultation activity at hand (hereafter, 'targeted consultation'). For the design, evaluation and revision of initiatives it is indispensable for EISMEA to receive input and views from those who will be concerned by the policy or initiative.

The subject matter of the survey requires you to provide personal data in your response. These personal data will only be published subject to your explicit consent.

It is your responsibility if you opt for confidentiality of your personal data to avoid any reference in your submission or contribution that would reveal your identity.

To avoid misuse, anonymous contributions to the survey may not be accepted.

The personal data processed may be reused for the purpose of procedures before the EU Courts, national courts, the European Ombudsman or the European Court of Auditor.

Your personal data will *not* be used for an automated decision-making including profiling.

3. On what legal ground(s) do we process your personal data

We process your personal data, because processing is necessary for the performance of a task carried out in the public interest.

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)¹ laid down in Union law;*
- *Article 5(1)(d) of Regulation (EU) 2018/1725 based on **your explicit prior consent** for your non-mandatory personal data indicated below .*

4. Which personal data do we collect and further process?

In order to carry out this processing operation we collect the following categories of personal data:

- *name and surname,*
- *profession,*
- *country of residence,*
- *e-mail address of the respondent,*
- *the name, size, type, country of the organisation on whose behalf the respondent is contributing,*

¹ *EISMEA Establishment Act: 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 (OJ L 50/9 of 15.2.2021); *Single Market Programme – Regulation (EU) 2021/690.**

- *personal data related to the physical, economic, cultural, or social identity of the respondent, insofar as they are not falling under Article 10 of the Regulation (EU) 2018/1725,*
- *personal data included in the response or contribution to the targeted consultation (if the targeted consultation at hand requires so).*

Furthermore, you may spontaneously provide other, non-requested personal data in the context of your reply to the targeted consultation.

5. How long do we keep your personal data?

We only keep your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for a maximum of five years after the closure of the file to which the present targeted consultation belongs. A file is closed at the latest once there has been a final outcome in relation to the initiative to which the targeted consultation contributed. This retention period is without prejudice to an earlier elimination of personal data not part of the file or cases of administrative elimination.

This administrative retention period of five years is based on the retention policy of European Commission documents and files (and the personal data contained in them), governed by the retention list for European Commission files [SEC\(2019\)900](#).

The administrative retention period is the period during which the European Commission departments are required to keep a file depending on its usefulness for administrative purposes and the relevant statutory and legal obligations. This period begins to run from the time when the file is closed.

In accordance with the common Commission retention list, after the ‘administrative retention period’, files including (the outcome of) targeted consultations (and the personal data contained in them) can be transferred to the Historical Archives of the European Commission for historical purposes (for the processing operations concerning the Historical Archives).

6. How do we protect and safeguard your personal data?

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored either on the servers of the European Commission or of its contractors. All processing operations are carried out pursuant to the [Commission Decision \(EU, Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

The contractors are bound by a specific contractual clause for any processing operations of your data on behalf of the data controller, and by the confidentiality obligations deriving from the General Data Protection Regulation in the EU Member States (‘GDPR’ [Regulation \(EU\) 2016/679](#)).

In order to protect your personal data, we have put in place a number of technical and organisational measures. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

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

Access to your personal data is provided to the Agency and Commission staff and staff of their contractors responsible for carrying out this project and to authorised staff according to the “need to know” principle, in particular to follow-up on the targeted consultation. Such staff abide by statutory, and when required, additional confidentiality agreements.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law, in particular bodies in charge of monitoring or inspection tasks in application of Union or national law (e.g. internal audits, Court of Auditors, European Anti-fraud Office (OLAF), law enforcement bodies).

8. What are your rights and how can you exercise them?

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**.

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.

9. Contact information

If you have **any queries** concerning the processing of your personal data, you may address them to Head of Unit I.03 of the Executive European Innovation Council and SMEs Executive Agency (EISMEA) via EISMEA-CONS-PROCUREMENT@ec.europa.eu .

You shall have the right of recourse at any time to the EISMEA Data Protection Officer at EISMEA-DPO@ec.europa.eu and to the European Data Protection Supervisor at <https://edps.europa.eu>.