



**European Research Council**  
Executive Agency

Established by the European Commission

## RECORD OF PERSONAL DATA PROCESSING

Art. 31 of the 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 (henceforth the "Data protection regulation")

Record n°

DPO 41-2022

In accordance with Article 31 of the data protection regulation, individuals whose personal data are processed by the Executive Agency in any context whatsoever are to be protected with regard to the processing of personal data and the Executive Agency has to keep records of their processing operations.

This record covers two aspects:

1. Mandatory records under Art 31 of the data protection regulation (recommendation: make the header and part 1 publicly available)
2. Compliance check and risk screening (initial; part 2 is internal only to the Agency, not published)

The ground for the record is (tick the relevant one):

- Regularization of a data processing operation already carried out
- Record of a new data processing operation prior to its implementation
- Change of a data processing operation.
- Migration from notification to record

### Information on Scientific Misconduct

<b>Information on Scientific Misconduct</b>		
<b>1</b>	<b>Last update of this record if applicable</b>	DPO 61-2014
<b>2</b>	<b>Short description of the processing</b>	The ERCEA procedure to deal with information on scientific misconduct and other breaches of research integrity processes personal data such the identity and contact details of the informant and the parties allegedly involved in potential cases, as well as additional data (e.g. professional affiliations, career, publications) related to the allegations. The information processed relates to the different forms of scientific misconduct and may vary on a case-by-case basis. Only data relevant to the specific case are retained.

**(This part may be public)**  
**Part 1 - Article 31 Record**

3	<b>Function and contact details of the controller</b>	Head of Department B – Chair of the Integrity Standing Committee Email: <a href="mailto:ERC-INTEGRITY@ec.europa.eu">ERC-INTEGRITY@ec.europa.eu</a>
4	<b>Contact details of the Data Protection Officer (DPO)</b>	ERC-DATA-PROTECTION@ec.europa.eu
5	<b>Name and contact details of joint controller (where applicable)</b>	N/A
6	<b>Name and contact details of processor (where applicable)</b>	N/A
7	<b>Purpose of the processing</b>	Personal data have to be processed to avoid that the standard values of the scientific research are jeopardised and to safeguard the reputation of the scientists involved, as well as of the institutions funding or hosting these scientists. Allegations of scientific misconduct may affect proposals submitted to the ERC or projects financed by an ERC grant and/or experts involved in the evaluation process, and to determine potential follow-up actions. Allegations may concern any person involved in a proposal's and project's life cycle, regardless of their functions.
8	<b>Description of the categories of data subjects</b>	<p>Whose personal data are being processed?          In case data categories differ between different categories of persons, please explain as well (e.g. suspects vs. witnesses in administrative inquiries)</p> <p><input checked="" type="checkbox"/> EA staff (Contractual and temporary staff in active position)</p> <p><input type="checkbox"/> Visitors to the EA</p> <p><input type="checkbox"/> Contractors providing goods or services</p> <p><input checked="" type="checkbox"/> Applicants</p> <p><input type="checkbox"/> Relatives of the data subject</p> <p><input checked="" type="checkbox"/> Complainants, correspondents and enquirers</p> <p><input checked="" type="checkbox"/> Witnesses</p> <p><input checked="" type="checkbox"/> Beneficiaries</p> <p><input checked="" type="checkbox"/> External experts</p> <p><input type="checkbox"/> Contractors</p> <p><input checked="" type="checkbox"/> Other, please specify: Scientific Council Members (and their assistants, if applicable); other informants</p>

<p>9</p>	<p><b>Description of personal data categories</b></p> <p>Indicate <b>all</b> the categories of personal data processed and specify which personal data are being processed for each category (between brackets under/next to each category):</p>	<p><i>Categories of personal data:</i></p> <p><input checked="" type="checkbox"/> in the form of personal identification numbers: Staff number (ERCEA staff); ID and Passport number (experts, applicants)</p> <p><input type="checkbox"/> concerning the physical characteristics of persons as well as the image, voice or fingerprints</p> <p><input type="checkbox"/> concerning the data subject's private sphere</p> <p><input type="checkbox"/> concerning pay, allowances and bank accounts</p> <p><input checked="" type="checkbox"/> concerning recruitment and contracts</p> <p>(Professional affiliation, title, type of contract, period of employment, duration of the employment and times of renewal)</p> <p><input checked="" type="checkbox"/> concerning the data subject's family</p> <p>(First name, last name, professional affiliation(s) and description of employment (e.g. area of activity and responsibilities) of the spouse, the link between the spouse's employment and the expert/staff member's duties).</p> <p><input checked="" type="checkbox"/> concerning the data subject's career</p> <p>(Professional path, publications, involvement in the preparation of applications, participation to projects, role in the same HI, network of scientific collaboration)</p> <p><input type="checkbox"/> concerning leave and absences</p> <p><input checked="" type="checkbox"/> concerning missions and journeys</p> <p><input type="checkbox"/> concerning social security and pensions</p> <p><input type="checkbox"/> concerning expenses and medical benefits</p> <p><input checked="" type="checkbox"/> concerning telephone numbers and communications: office (land line) and private (mobile) phone numbers; email exchanges</p> <p><input checked="" type="checkbox"/> concerning names and addresses (including email addresses)</p> <p>Name, last name, institutional address (permanent or temporary), private and professional e-mail address.</p> <p><input checked="" type="checkbox"/> Other please specify: Any other data related to the allegations (e.g. prizes and awards, academic achievements, education)</p> <p><i>Categories of personal data processing likely to present specific risks:</i></p> <p><input checked="" type="checkbox"/> data relating to suspected offences, offences, criminal convictions or security measures</p> <p><input type="checkbox"/> data being used to evaluate personal aspects of the data</p>
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		<p>subject (ability, efficiency, conduct)</p> <p><i>Categories of personal data whose processing is <u>prohibited</u>, with exceptions (art. 10 new Regulation):</i></p> <p><input type="checkbox"/> revealing racial or ethnic origin</p> <p><input type="checkbox"/> revealing political opinions</p> <p><input type="checkbox"/> revealing religious or philosophical beliefs</p> <p><input type="checkbox"/> revealing trade-union membership</p> <p><input type="checkbox"/> concerning health</p> <p><input checked="" type="checkbox"/> genetic data, biometric data for the purpose of uniquely identifying a natural person</p> <p>(handwritten signatures)</p> <p><input type="checkbox"/> concerning sex life or sexual orientation</p> <p><i>Specify any additional data or explanatory information on the data being processed, if any:</i></p>
10	Retention time (time limit for keeping the personal data)	<p>The ERCEA, in general, applies the periods of retention of documents defined by the Commission's Common Retention List SEC(2019)900/2 regarding the retention period for operational purposes.</p> <p>The retention period for detection of plagiarism or other scientific misconduct or breaches of research integrity purpose is 15 years from the submission of the application.</p> <p>The personal data contained in the allegations received by email, which are immediately not considered relevant, are automatically deleted after 6 months.</p> <p>It may occur that initially dismissed allegations are revisited in light of new elements. Depending on the outcome of these further analyses, the retention period is extended beyond six months.</p> <p>Is any further processing for archiving purposes in the public interest, historical, statistical or scientific purposes envisaged?  <input checked="" type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Cases of scientific misconduct may be reported in anonymous manner in the ERCEA Annual Activity Report and in the ERC Scientific Council Annual Report.</p> <p>Files related to closed cases are moved to a secured folder as soon as the case is closed and they are kept only for archiving purposes. Access is restricted to the ISC members on a need to know basis.</p> <p>Closed significant files are transferred to the ERCEA Central Archives for first storage before they are further transported to the Commission's central archives for archiving purpose in the public interest.</p>

11	<b>Recipients of the data</b>	<p>The data are accessed and processed by duly authorised ERCEA staff, members of the ERC Scientific Council, some of whom are part of the COIME (ERC Standing Committee on Conflict of Interest, Scientific Misconduct and Ethical Issues), the personal assistants of the members of the ERC Scientific Council may also access the data for administrative purposes, the ERCEA Integrity Standing Committee (ISC), and, if necessary, appointed independent external experts.</p> <p>Some personal data may be disclosed, in compliance with the relevant current legislation and established case law, and on a temporary basis to: (a) the General Court and the Court of Justice; (b) the Ombudsman; (c) the European Data Protection Supervisor; (d) the audit and control bodies such as OLAF (in its function as control body), Court of Auditors, ERCEA Internal Audit Office, the Internal Audit Service; (e) competent Member State and/or third countries authorities and bodies.</p> <p>A national/local authority/body could be entrusted with investigation or judicial powers on a case dealt by ERCEA. The latter might have the obligation to provide information/documents.</p> <p>Moreover, the ERCEA could deem necessary to inform national competent authorities/bodies in line with applicable law.</p>
12	<b>Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?</b>	<p>It is not foreseen a regular transfer of personal data to third countries or international organisation. However, some personal data may be disclosed, in compliance with the relevant current legislation and established case law and on a temporary basis, to the competent third countries authorities or international organizations that might be involved in the assessment of the case of misconduct.</p> <p>Any transfer will be made in compliance with the rules and procedure applicable to the specific third country/ international organisation.</p>
13	<b>General description of the technical and organisational security measures</b>	<p>A Confidentiality Declaration is signed by authorised ERCEA staff members and any ScC member before receiving any information or case details.</p> <p>Specific and restricted access rights (restricted to members of the ISC, the ERCEA Director and in exceptional cases, other ERCEA staff) and controls have been put in place according to the “need-to-know” principle. Information is stored in a database that resides on the servers of the ERCEA that are operated by the European Commission and abide by the strict European Commission’s security and provisions as established and regularly updated by the Directorate of Security (HR.DS).</p> <p>All paper files are kept in a safe box in the office of the Chair of the Integrity Standing Committee. Communication between ERCEA staff is done by e-mail using SECEM.</p> <p>Communication between ERCEA and CoIME, and in general when the use of SECEM is not possible, will be done using CIRCA BC tool.</p> <p>Electronic records are stored and registered in ARES using private/confidential markings and/or on an access-restricted part of the shared drive.</p> <p>The ISC functional mailbox is used with restricted access for exchange of information on any possible case treated under the Procedure to deal with information of scientific misconduct.</p>

14	<p><b>Information to data subjects/Data Protection Notice (DPN)</b></p>	<p>A general Data Protection Notice is published on the ERC website.</p> <p>The Data Protection Notice is an Annex of the relevant Guidelines for Applicants and Evaluators.</p> <p>In case the Integrity Standing Committee decides to open a case of potential scientific misconduct, the alleged parties are informed of the procedure concerning them via an email. The Data Protection Notice is attached to this email inviting the parties to provide the necessary clarifications and comments. The data protection notice clarifies also that in case the initial information is considered out of scope of the procedure or groundless, and no case is opened the alleged parties do not receive any additional information to this regard.</p> <p>As established in the ERCEA Steering Committee Decision of 18 December 2020 on 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 ERCEA, restrictions to access data may also occur when the informant denies consent because the interest of the informant prevails. A temporary restrictions may also take place to prevent interference with the evaluation process (e.g. on-going panel meetings, interview of applicant PIs): the information is then deferred.</p>
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