

PRIVACY STATEMENT

*(Attached to the letter initiating the External Audit.
The controlled entity has to internally inform all staff concerned)*

1. Context and Controller

As the Clean Hydrogen Joint Undertaking (Clean Hydrogen JU) collects and further processes personal data in the context of financial audits and Controls, it is subject 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.*

Audits and Controls cover:

1. Checks performed by Clean Hydrogen JU services on the implementation of the programme and the provisions of the grant agreements or service contracts.
2. Performance of desk controls and financial audits according to the provisions of the contracts or grant agreements with the Clean Hydrogen JU.

Audits aim at verifying whether the costs declared in the financial statements have been properly incurred and are eligible costs, as defined under the grant agreement or contract between the Clean Hydrogen JU and the beneficiaries or contractors. These audits are either directly carried out by staff of the Clean Hydrogen JU ("own-resource-audits"), by the European Commission or outsourced to external audit firms. During these audits and controls, documents that may contain personal information (such as salary slips, time-recording systems, presence sheets, credit assessment reports, etc) may be collected by the controllers as evidence of the eligibility of claims from the Clean Hydrogen JU budget (such as: claims for co-financing of staff costs, travel expenses etc.). If collected, such information will be processed by the Clean Hydrogen JU in the exercise of its duties to ensure the regular use of its budget and more broadly the EU budget in accordance with the Clean Hydrogen JU Financial rules, the Financial Regulation (Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union, repealing Regulation (EU, Euratom) No 966/2012 (2012 Financial Regulation) in force at the time of the signature of the grant agreements.

In order to carry out efficient audits and desk controls and to detect anomalies, relevant Clean Hydrogen JU staff makes use of information available on the Internet (open-source data mining). In accordance with international professional audit standards the Clean Hydrogen JU follows a multi-approach audit policy which includes a risk-analysis component in view of fraud prevention and stronger detection capabilities.

Processing operations are under the responsibility of the Executive Director of the Clean Hydrogen JU, acting as Controller.

2. What personal information do we collect, for what purpose, under which legal bases and through which technical means?

Types of personal data

Personal data collected and further processed are all relevant data that may be requested by the Clean Hydrogen JU with a view to verifying that the grant agreement or contract is properly managed and performed in accordance with its provisions. The indicative list of data requested will be given by the auditors in due course, without prejudice for the Clean Hydrogen JU services to ask any other relevant information as foreseen under the relevant Articles of the grant agreements or contracts.

Purpose

Controls and audits of grant agreements or service contracts aim at verifying beneficiary's or contractor's or subcontractors' or third parties' compliance with all the contractual provisions (including financial provisions), in view of checking that the action and the provisions of the grant agreement or contract are being properly implemented and in view of assessing the legality and regularity of the transaction underlying the implementation of the Clean Hydrogen JU budget.

Legal basis

The possibility for the Clean Hydrogen JU to carry out audits and controls is foreseen in the model grant agreement or model contract, to be signed between the Clean Hydrogen JU and the beneficiary or contractor, as required by the mentioned Financial Regulation applicable to the General Budget of the Union (art. 74(6), 183, 185).

Technical means

For the preparation of audit file and audit selection: use of data already existing in secured applications shared by the European Commission and the Clean Hydrogen JU and accessible only to relevant staff.

During the audit procedure, personal data are collected when relevant either by e-mail or on paper or as electronic files and stored in computer systems accessible only to relevant staff. Data are stored until 10 years after the final payment on condition that no contentious occurred; in this case, data will be kept until the end of the last possible legal procedure. Data collected from open sources including information available from internet sources is kept under the same conditions as described at the previous paragraph.

All data are kept under the responsibility of the Controller mentioned in point 1.

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

For the purpose detailed above, access to your personal data is given to the Clean Hydrogen JU services in charge of ex post controls and audits, without prejudice to a possible transmission to the authorising officer responsible of the project and to the bodies in charge of a monitoring or inspection task in accordance with EU law (OLAF, European Court of Auditors, Ombudsman, EDPS, Services of the Commission).

4. How do we protect and safeguard your information?

The collected personal data and all related information are stored after closure of the desk control or audit on the premises of the Clean Hydrogen JU and on its local servers.

5. How can you verify, modify or delete your information?

In case you wish to verify which personal data is stored on your behalf by the responsible Controller, have it modified, corrected, or deleted, please make use of the contact information mentioned below, by explicitly describing your request.

6. How long do we keep your personal data?

Data are stored until 10 years after the final payment on condition that no contentious occurred; in this case, data will be kept until the end of the last possible legal procedure.

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

You have the right of access to your personal data and to relevant information concerning how we use it. You have the right to rectify your personal data. Under certain conditions, you have the right to ask that we delete your personal data or restrict its use. You have the right to object to our processing of your personal data, on grounds relating to your particular situation, at any time. In addition, you have the right not to be subject to a decision based solely on automated processing of data, including profiling, if such decision has legal effect on him or her, except for certain situations, such as entering into a contract (as required by articles 14-16 & 24 of EU DPR Regulation).

Information on action taken on the data subject's request to exercise her/his rights shall be provided without undue delay and in any case within one month of receipt of the request. In case of complex or voluminous requests, this period may be extended by another two months, in which case the JU will inform the data subject.

In case data subjects wish to exercise their rights, they should send an email to the Clean Hydrogen JU Data Protection Officer at Data-Protection@clean-hydrogen.europa.eu.

8. How to withdraw your consent and the consequences of doing this

Data subjects have the right to withdraw their consent at any time by sending a written request to the above-mentioned email address. Please note that withdrawing your consent does not affect the lawfulness of any processing based on your consent before this consent is withdrawn.

9. Complaints, concerns and recourse

Should you have any complaint or concern you may contact:

- the Data Protection Officer of the Clean Hydrogen JU at Data-Protection@clean-hydrogen.europa.eu.

In addition, as a data subject, you have a right to recourse to the European Data Protection Supervisor (EDPS) at any time by e-mail to edps@edps.europa.eu or a letter to the EDPS postal address marked for the attention of the EDPS DPO:



European Data Protection Supervisor, Rue Wiertz 60, B-1047 Brussels, Belgium.
For more information on the EDPS, please consult their website: <https://edps.europa.eu>.