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**PRIVACY STATEMENT**

**Use of European Commission’s ABAC system at the Agency**

1. **Purpose and controller**

ABAC is the European Commission's corporate financial management system, used by the Agency for the Cooperation of Energy Regulators (hereafter ‘the Agency’). The system consists of various modules and the supported functionalities[[1]](#footnote-1).

The purpose of this privacy statement is to explain which data are collected for which purposes and how personal data is protected.

By consent, the data subjects may voluntarily provide their private e-mail addresses (personal data) in order to ensure their quick and reliable contact in the event of necessity for efficient and timely operation.

The ABAC system owner is DG BUDG of the European Commission. The Agency’s department in charge of processing the personal data is the **Administration Department**.

The **contact person** for the processing of the personal data is the Accounting and Budget Officer:

Agency for the Cooperation of Energy Regulators

Trg Republike, 3 - TR3 12/…

SI-1000 – Ljubljana

Slovenia
+386(0) 2006 …(direct phone)

Email: …@acer.europa.eu

1. **What personal information are collected and under which legal bases?**

ABAC only collects personal data on a "need to know" basis: any type of personal information that is irrelevant to operational financial management, ensuring the secured operation of the system and ultimately protecting the financial interests of the European Union is not maintained in the system.

***For ABAC users***

An ABAC user is anybody being granted access rights to one or multiple modules of the ABAC architecture. An ABAC user is identified by a unique UserID. The UserID uniquely identifies the physical person and is linked to the administrative data of this individual: name, office address and the organisation(s) to which the user is assigned. The UserID is the starting point for the management of the ABAC access rights and is used for logging the user's actions. Any action performed under a UserID can be traced by ABAC in both visible and invisible records. In particular, any creation, modification and validation of a document will be logged and will be visible in the version management or the workflow records. Invisible logging encompasses records being kept both within the ABAC system itself and at a technical level such as Databases or Operating Systems.

***For referenced staff***

Irrespective of whether a person has access to ABAC, other ABAC users can make a reference to him or her without the referenced person being notified of the registration. This referencing can be required by ABAC, notably to ensure that all the staff intervening in the validation process of a document is registered in ABAC or to assign a responsible person to a document. Furthermore, it is possible that the person is referenced in free text fields made available to the authorised users. As a consequence, ABAC cannot in an exhaustive way define all positions where personal data is registered.

***For third parties***

Third party data subjects are to be understood as the persons having a legal or financial with the management of the Union Funds. Third parties are recorded either as centrally validated legal entities or as (non-validated) mailing addresses assigned to Legal Entities. Any person working for EU Institutions and bodies may also be recorded as a third party.

***Legal basis***

In line with Article 5(a) of Regulation 45/2001, the personal data processing operations, related to the use of various personal data of the identified data subjects, are necessary for the performance of tasks carried out in the public interest on the basis of Regulation (EC) N 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators[[2]](#footnote-2), as well as for the legitimate exercise of official authority vested in the Agency, whereas staff members could perform tasks entrusted to it.

In particular, handling personal data processing in the ABAC system assists and enables the Agency to protect the financial interests of the European Union.

1. **Who has access to your personal data, to whom is it disclosed, and for how long is it stored?**

All information held within the legal entity and bank account file is shared and accessible

to the ABAC user community and is visible to all staff being granted access to these data

and to personal data held within certain groups of legal entities. Where documents are produced by ABAC, user related personal data may be made visible to counterparties (e.g. contact persons).

For the performance of the respective supervisory, advisory or judicial tasks the data may be disclosed to internal auditors, IAS of the European Commission, Court of Auditors, Legal Service, Civil Service Tribunal, the European Ombudsman or the European Data Protection Supervisor (EDPS).

**Retention period**

Taking into consideration the limited set of personal data registered in ABAC, the requirement to keep full records at least for five years after the discharge decision and the need to maintain information for audits, there is no "deletion" or "rendering invisible" of the personal data after a determined period.

1. **Rights of the data subjects**

Any modification to entries in the legal entity and bank account file are to be performed according to the standing procedures which require supporting documents to justify changes.

Any anomaly related to UserIDs and access rights should be first communicated to the responsible Local Profile Manager. He/she may wish to escalate the issue to the Master Profile Management team and/or the Local Informatics Security Officer in DG Budget.

In order to avoid anomalies on transactional level, the most important rule to respect is that no one shall use a UserID which is not assigned to him/her personally. In that regard, it is reminded that it is strictly forbidden to give one's UserID/password combination to colleagues and/or to use his/her credentials.

Data subjects seeking clarification of their rights or further information should contact the Agency’s Data Protection Officer (DPO@acer.europa.eu).

Data subject wishing to exercise these rights are requested to contact either the person in charge of the processing, or the Agency’s Data Protection Officer (DPO@acer.europa.eu).

Finally, the data subjects may, at any time, have recourse to the European Data Protection Supervisor (<http://www.edps.europa.eu>).

1. https://myintracomm.ec.testa.eu/budgweb/en/abac/support/pages/its-020-020\_intro.aspx [↑](#footnote-ref-1)
2. OJ L211, 14.8.2009, p.1. [↑](#footnote-ref-2)