

## European Data Protection Board (EDPB) Specific Privacy Statement (SPS)

### **EDPB 2020 Annual Report - Stakeholder Survey**

**Last updated:** December 2020

#### **1. Introduction**

In accordance with article 71 GDPR, the EDPB is required to draw up an annual report regarding the protection of natural persons with regard to processing in the Union and, where relevant, in third countries and international organisations. The report is made public and transmitted to the European Parliament, to the Council and to the European Commission. Article 71.2 GDPR provides for the duty to include in the annual report a review of the practical application of the guidelines, recommendations, and best practices as well as the binding decisions.

In the context of this legal obligation, the EDPB usually consults a selected number of interested stakeholders and parties, giving them the opportunity to provide their views (annual stakeholder survey). Any information provided is included in the report only in aggregated form (as percentages), without any possibility of identifying the respondents

The EDPB, as data controller, appointed Trilateral Research as processor for the circulation of the survey amongst stakeholders who have provided their consent to the processing of their personal data, and the compilation of the replies.

Trilateral Research acts as a processor for the purposes of this processing operation, is acting on behalf and under the documented instructions of the EDPB. Trilateral Research is bound by a contract, is subject to all requirements foreseen for processors under Regulation (EU) 2018/1725<sup>1</sup>, in particular under article 29 (“Processor”), including those on security and confidentiality.

The purpose of this privacy statement is to provide individuals, whose data are being processed in the context of their contribution to the EDPB annual report, with the necessary information regarding the processing of their personal data. This includes individuals’ data subject rights, in accordance with Regulation 2018/1725.

#### **2. What personal information do we collect, for what purpose, on which legal basis and through which technical means?**

##### *2.1. Processed personal information*

Name, surname, contact details (email address) professional work title (where relevant), your organisation’s name, type, sector and address (where relevant) and the replies provided to the survey.

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<sup>1</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 (Text with EEA relevance.)

## *2.2. Purpose of the processing*

To contact, on the basis of the annual report database, relevant stakeholders on an annual basis, collect their views on the practical application of the EDPB guidelines, recommendations, and best practices as well as the binding decisions and include them in the EDPB's annual report.

## *2.3. Applicable legal basis*

The EDPB contacts you about your interest in contributing to the EDPB's annual report on the basis of the consent that you already provided for the purpose of contacting you in this context. The processing of your personal data, including your replies, for the purposes mentioned in section 2.2. above, is based on article 5(1)(d) of Regulation 2018/1725, and taking into account the specific consent conditions foreseen in article 7 of the same Regulation. Any absence of reply is not considered as a provision of consent.

Processing of your personal data, in particular, but not limited to, its storage, may be required for the EDPB's compliance with applicable legal obligations regarding monitoring or inspection tasks in application of EU law by its relevant bodies, including where you have withdrawn your consent. In such cases, the processing of your personal data is based on article 5(1)(b) and 5(2) of Regulation 2018/1725.

## *2.4. Technical means*

The survey is undertaken using EU Survey, an online survey management system developed by the European Commission (DG Digit), for creating and publishing forms available to the public. You can find out more about how your data is processed in EUSurvey by consulting its privacy statement: <https://ec.europa.eu/eusurvey/home/privacystatement>

## **3. Who has access to your information and to whom is it disclosed?**

The following entities have access to your information for the abovementioned purposes:

- ) Trilateral Research's team responsible for the compilation of the recipient list, the circulation of the survey and the compilation of answers;
- ) The EDPB Secretariat staff on a need-to-know and need-to-do basis;
- ) The EUSurvey IT support team (European Commission), where necessary and applicable;
- ) Bodies charged with a monitoring or inspection task in application of EU law, e.g. OLAF, IDOC, Internal Audit Service, as well as staff of other services, where necessary in the context of official investigations or for audit purposes;
- ) Members of the public, in accordance with the EDPB's access to documents policy and, in particular, with Regulation 1049/2001, with the conditions foreseen in such Regulation.

## **4. How do we protect and safeguard your information?**

The EDPB keeps your personal data in a separate folder in a restricted access server.

Trilateral Research also keeps your personal data in a restricted access server, available only to its staff members.

The EU Survey questionnaire is of restricted access and can be accessed by invitation only. Replies within EU Survey are only visible to the creators of the survey at the EDPB Secretariat and Trilateral Research. Information collected through EU Survey is saved in a restricted, password-protected space in EU Survey.

The EDPB will not transfer any of your personal data to any third parties beyond those mentioned in the above list of recipients.

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

You are entitled to withdraw your consent at any time, by sending an email to the EDPB general email address or to the EDPB DPO (see section 8 below), expressing your desire to withdraw your consent. Once you have withdrawn your consent, and if there is no other lawful basis justifying the processing of your personal data (e.g. audits and investigations), they will be deleted.

Please note that, if consent is withdrawn, all data processing operations that were based on consent and took place before the withdrawal of consent remain lawful.

In addition, you have the right to request from the EDPB access to, rectification or erasure of personal data, or restriction of processing concerning the data subject or the right to data portability, where applicable. To exercise your rights as a data subject, please use the contact details of section 8 below. The EDPB, as data controller, will liaise with Trilateral Research, where relevant, to ensure that any requests concerning your rights are complied with.

## **6. For how long do we keep your data?**

Your personal data will be stored in the Trilateral Research servers, in the context of its role as a processor, as part of a database used to circulate the survey, for the time necessary to execute all operations related to the execution of the stakeholder survey. In this context, once there is no longer a need to process your personal data in accordance with the purposes foreseen in section 2.2 above, Trilateral Research will transfer it to the EDPB, where relevant, and in any case delete it from its servers.

Replies to survey will be kept in EU Survey only for the amount of time necessary to fulfil its purpose. Once they have been downloaded and are no longer required, they are deleted from EU Survey.

Your personal data will be stored in the EDPB's servers, as part of a database, for a period of five years. Before this period expires, you will receive a request to gather your consent once again, if needed.

## **7. Time limit for addressing your data modification request**

The time limit for treating the data subject's request and modifying the database fields is one (1) month. This period may be extended by two (2) further months where necessary, taking into account the complexity and the number of the requests. In those cases, the EDPB will inform the

data subject of the extension within one month of receipt of the request and will provide reasons for the delay.

## 8. Contact information

In case you have questions concerning the processing of your personal data within this processing operation, or wish to exercise your rights as a data subject, please contact the European Data Protection Board, using the following contact information: [edpb@edpb.europa.eu](mailto:edpb@edpb.europa.eu). You can also directly contact the EDPB Data Protection Officer, at [edpb-dpo@edpb.europa.eu](mailto:edpb-dpo@edpb.europa.eu).

## 9. Resources

Complaints, in case of conflict, can be addressed to the European Data Protection Supervisor (EDPS) at the following address:

European Data Protection Supervisor (EDPS)  
Rue Wiertz 60  
B-1047 Brussels  
Belgium  
Phone: +32 2 283 19 00  
Email: [edps@edps.europa.eu](mailto:edps@edps.europa.eu)