

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

Processing of personal data for the purpose of handling requests for information

Last updated: March 2021

1. Introduction

As stipulated in article 75(6)(c) GDPR, the Secretariat of the EDPB (SEC) is responsible, on behalf of the Board, for the communication with other (non EU) institutions and the public, which, as stipulated in letter (d) of the same article, can be done using electronic means. In this context, the EDPB Secretariat, in particular its communications' team, often receives requests for information from the general public, including, but not limited to, individuals, companies and law firms. Such requests normally arrive via the EDPB contact email address (edpb@edpb.europa.eu), which is available on its website, and are sent a reply as quickly as possible, although they can also arrive via other sources such as the DPO functional mailbox or the EDPB's active social media accounts (Twitter and LinkedIn). Individuals making requests to the EDPB via social media accounts are normally invited to send an email to the EDPB, as the EDPB only uses such accounts for the dissemination of information related to its tasks and activities.

Given the high number of weekly requests, the EDPB Secretariat keeps an inventory of requests and replies, available only to EDPB staff members on a need-to-know / need-to-do basis. Such inventory serves different purposes, all encompassed within the purpose of good administration and adequate communication with the public, namely: managing the provision of replies in due time; allowing for the identification of previous exchanges; following-up on cases of harassment, abuse and/or repetitiveness; statistical purposes; back-up in case of loss or deterioration of the means of request; assist in cases of legal challenges and/or complaints of maladministration.

The responsible for this processing operation is the EDPB. Lawfulness is therefore ensured by compliance with article 5(1)(a) ("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") of Regulation 2018/1725, read together with recital 22 of said Regulation.¹ As required by article 5(2), the basis for the processing is laid down in Union law, in particular in article 75(6)(c) and (d) of the GDPR and in article 41 of the EU Charter of Fundamental Rights.

Where the EDPB is required to keep data for the purposes of audits and investigations by relevant EU bodies, the lawfulness of said processing rests on article 5(1)(b) and (2) of regulation 2018/1725.

¹ 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, OJ L 295, 21.11.2018, p. 39–98

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

2.1 Processed personal data

In order to reply to requests for information, the following personal data are processed:

- (a) Any personal data, e.g. name, surname, email or postal address, opinions, views and any other data provided by the data subject, in their email, at the time of their request or in further exchanges;
- (b) For the purposes of the inventory, name, surname and email of the data subject.

2.2 Purpose of the processing

Adequately and timely reply to any requests for information submitted to the EDPB via its edpb@edpb.europa.eu email address or, in certain cases, via its EDPB DPO email address.

2.3 Technical means

Requests for information, and the respective replies, are provided via email and adequately archived in the EDPB's servers.

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

The following entities have access to your information:

- J The EDPB DPO team, the Communications team and the Legal team, in order to handle and reply to information requests; where requests for information concern personal data (but do not fall under the category of a request for a data subject right), the DPO team may provide a reply or forward the email to the Communications team;
- J EDPB staff members, on a need-to-know / need-to-do basis (e.g. the legal officers to support the communication team; record management; DPO team, in case of data breaches; LISO, in case of security breaches);
- J Bodies charged with a monitoring or inspection tasks in application of EU law, where necessary in the context of official investigations or for audit purposes;
- J Members of the public in the context of requests for access to documents, where the relevant exceptions do not apply, in accordance with Regulation 1049/2001.²

4. How do we protect and safeguard your information?

All personal data handled by the EDPB is kept on restricted, password-protected servers, available only to staff, EDPB members and the European Commission, on a need-to-know and need-to-do basis. Any functional mailboxes receiving requests for information are managed by

² Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43–48

a restricted number of EDPB SEC staff members, which are granted access where necessary for the performance of their tasks.³

Physical access to the premises of the EDPB is protected and restricted to authorised personnel.

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

You have the right to request from the data controller (the EDPB) access to, rectification or erasure of your personal data, restriction of processing concerning the data subject or, where applicable, the right to data portability. Please note that the rights provided to data subjects are not absolute rights and may be subject to exceptions, which may be applied on a case-by-case basis.

You can object to the processing of your personal data on grounds relating to your particular situation, by stating said grounds in an email sent to the controller. If the controller (the EDPB) is not able to demonstrate compelling legitimate grounds for the processing, which override your interests, rights and freedoms, the controller will remove the personal data categories indicated in section 2.1 above. The same applies to the processing for the establishment, exercise or defence of legal claims.

To exercise your rights as a data subject, see the “Contact information” section below.

6. For how long do we keep your data?

Personal data is kept for five years from the date of the request. This includes emails containing queries and replies, which are kept to ensure that the EDPB has fulfilled its duties of communication and good administration towards the public, as stipulated in article 41 of the EU Charter of Fundamental Rights. This also includes proving cases of harassment, abuse and/or repetitiveness, which may result in terminating any communications, and disproving any maladministration and/or unlawful conduct from the EDPB and/or its Secretariat.

This period can be extended, provided that the data subject is duly informed, where the EDPB is required to process such data in case of audits and/or legal action.

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 1 month, as stipulated in article 14 of Regulation 2018/1725. This period may be extended by two 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

³ See EDPS Guidance on Articles 14 - 16 of the proposal for a Regulation on the protection of individuals 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, section 3, available at: https://edps.europa.eu/data-protection/our-work/publications/other-documents/articles-14-16-new-regulation-452001_en

In case you have questions, or wish to exercise your rights as a data subject, please contact the European Data Protection Board (the data controller), using the following contact information: edpb@edpb.europa.eu. You can also directly contact the EDPB Data Protection Officer, at edpb-dpo@edpb.europa.eu.

9. Resources

Complaints 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