

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

### **Ad hoc communications and submissions to the EDPB**

**Last update:** March 2021

#### **1. Introduction**

The EDPB receives, through its Secretariat, frequent ad hoc communications and submissions from other institutions and from the general public. These can be made electronically, or by post, and are usually in the form of letters or emails, often containing views, opinions, or attachments. Such submissions are *ad hoc* in nature as they are made voluntarily by the public or members of other institutions (e.g. European Parliament) and are not considered to be part of any specific procedure of the EDPB, including public consultations, requests for information, requests for access to documents<sup>1</sup> or requests for data subject rights<sup>2</sup>. Therefore, this privacy statement does not apply to any submissions or communications made in the context of such procedures.<sup>3</sup>

When the EDPB receives an *ad hoc* submission or communication, it may share it with its members, for information and possible use in the context of the work and tasks of the EDPB. In the specific case of case of letters, the EDPB provides a written reply to the sender. In certain cases, such as for letter approved by the EDPB in the context of plenary meetings, reply will be published on the EDPB's website, for transparency reasons. The responsible for this processing operation is the EDPB.

The EDPB processes ad hoc communications and submissions, and any personal data they contain, for the performance of its tasks of communication with other institutions and the public, as stipulated in article 75(6)(c) GDPR; and for the performance of its tasks under article 70 GDPR. In such case, lawfulness is ensured by compliance with articles 5(1)(a) and (2) of Regulation (EU) 2018/1725.

In some instances, the replies of the EDPB to ad hoc communications and submissions are published on its website, for example, in the case of some letters approved by the EDPB in the context of plenary meetings. Such replies often include the personal data of the recipient(s) and of the sender. The publication of the personal data is necessary to ensure compliance with the principle of transparency, as stipulated, in particular, in article 11 of the Treaty on the European Union and article 15 of the Treaty on the Functioning of the European Union, , and in article 3 of the EDPB's Rules of Procedure<sup>4</sup>. As a result, lawfulness of publication is ensured by compliance with articles 5(1)(a) and (2) of Regulation (EU) 2018/1725.

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

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<sup>1</sup> In accordance with Regulation (EC) 1049/2001.

<sup>2</sup> In accordance with articles 17 to 22 of Regulation (EU) 2018/1725.

<sup>3</sup> To consult the applicable privacy statements for those cases, please check the EDPB website at the following link: [https://edpb.europa.eu/edpb-specific-privacy-statements\\_en](https://edpb.europa.eu/edpb-specific-privacy-statements_en)

<sup>4</sup> Cf. [https://edpb.europa.eu/our-work-tools/our-documents/publication-type/rules-procedure\\_en](https://edpb.europa.eu/our-work-tools/our-documents/publication-type/rules-procedure_en)

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

### ***2.1 Processed personal data***

When handling ad hoc communications and submissions to the EDPB, the following personal data are collected and further processed:

- (a) name and surname of senders, authors, subscribers, signatories and of any data subjects that are mentioned in an ad hoc communication and/or submission;
- (b) signatures (e.g. in letters);
- (c) email address;
- (d) postal address (home and/or organisation);
- (e) home / office / mobile phone number;
- (f) social media handles (e.g. Twitter);
- (g) position in, and name of organisation;
- (h) views, opinions, remarks that can lead to the direct or indirect identification of the data subject, whether as the author of the ad hoc communication/submission or not ;
- (i) any other personal data category information that is included in an ad hoc submission.

### ***2.2 Purpose of the processing***

- )] Handle ad hoc communications and submissions to the EDPB, including transmitting them to the Board members and Expert Subgroups, providing replies, acknowledgements of receipt and any other communication that is required;
- )] Publish replies to letters approved by the EDPB in the context of plenary meetings on its website in line with article 39 of the EDPB rules of procedure. However, as an adequate safeguard, before publication, the EDPB will consult the data subject to assess whether there might be any prejudice to their legitimate interests.

### ***2.3 Technical means***

The EDPB receives ad hoc communications and submissions via email and post and processes them in the same way. It may also share between EDPB members any received communications / submissions in internal platforms.

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

The following entities have access to your information:

- )] EDPB members and observers, the EDPB Secretariat staff members, and the European Commission, the latter when attending EDPB meetings;
- )] 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;
- )] Members of the public in the context of requests for access to documents , where the relevant exceptions in accordance with Regulation (EC) 1049/2001 do not apply.
- )] In the case of published replies to letters, the general public.

Personal data can only be disclosed to recipients other than EU institutions and bodies in compliance with Article 9(1)(b) of Regulation 2018/1725, and provided that the data subjects have been informed about the processing and about their right to object (Articles 15-16 and 23 of the Regulation).

#### **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. 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 EDPB access to, rectification or erasure of your personal data, restriction of processing concerning the data subject or the right to data portability, where applicable. 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.

Where processing of your personal data is based on article 5(1)(a) of Regulation (EU) 2018/1725, 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.

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

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

Ad hoc communications and submissions are kept for a period of five years, counting from the date of reception.

Published letters are kept on the website for periods of three years, counting from the date of publication. Before the end of each period, the EDPB will determine the need to continue ensuring the publication of the reply for an additional three-year period.

#### **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 month. 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**

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](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 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)