

EDPB Personal data records of processing activities - proposed structure (Article 31 of the Regulation 2018/1725¹)

Record of EDPB activities processing personal data, based on Article 31 of 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.

Nr.	Item	Description
1.	Title of the processing operation	Processing of personal data in the context of an access to documents request based on Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents
2.	Number of record	EDPB-0001
3.	Last updated	July 2022
4.	Data controller	European Data Protection Board Edpb@edpb.europa.eu Rue Montoyer, 30 Belgium, Brussels
5.	Joint controllers	N/A
6.	Processor(s)	European Parliament, European Commission
7.	Data Protection Officer (DPO)	EDPB Data Protection Officer Edpb-dpo@edpb.europa.eu Rue Montoyer, 30 Belgium, Brussels

¹ Regulation 2018/1725 on the protection of natural persons with regard to the processing of personal data by the EU institutions, bodies, offices and agencies.

8.	Description of the processing operation	The EDPB receives requests for access to documents, under Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents (hereinafter “Regulation 1049/2001”), which need to be replied to. These requests are generally received through a contact page on the EDPB’s website, but also possibly by email or post. Said replies require the processing of personal data at different stages of the procedure.
9.	Purpose of processing operation	Process personal data in order to handle initial and confirmatory requests for access to documents, and related Ombudsman inquiries, in accordance with Regulation 1049/2001.
10.	Legal basis	<p>The EDPB is required to process personal data in order to comply with its obligation to handle any requests for access to documents in accordance with Regulation 1049/2001, in particular Article 2, a legal obligation which is also foreseen in Article 76(2) GDPR. When it comes to processing of personal data in cases of Ombudsman complaints or court proceedings as a result of access to documents replies, this is part of the original processing operation, and the basis is Article 8 of Regulation 1049/2001.</p> <p>Furthermore, the EDPB is required to store and further process personal data in the context of any audits or enquiries by specific EU bodies, as foreseen in the applicable legal provisions.</p> <p>In such cases, lawfulness of processing is ensured by Article 5(1)(b) and 5(2) of Regulation 2018/1725. The legal obligations are foreseen in different diplomas applicable to the different institutions responsible for auditing and inspections.</p>
11.	Description of categories of data subjects	<ul style="list-style-type: none"> • Applicants making requests for access to documents; • Any individual mentioned in any requested document, including staff members of the EDPB Secretariat, staff members of the national supervisory authorities and other EU institutions; • Individuals responsible for replying to requests for access to documents (including Chair and Vice-Chairs of the EPDB)
12.	Description of processed	(a) Applicant’s personal data:

	<p>personal data / categories</p>	<ul style="list-style-type: none"> • Full name; • Email and other provided contact details, including physical address and phone number; • Any other personal data provided by the applicant in the context of their request; • Position in an organisation; • Personal views and opinions of the applicant(s) that can lead to their direct or indirect identification; <p>(b) Personal data present in documents:</p> <ul style="list-style-type: none"> • Any personal data categories, including of staff members of the EDPB Secretariat or of EDPB members, contained within a document subject to an assessment in this context, including, but not limited to, full names, email address, other contact details, position, affiliation, signatures and personal opinions and views. <p>(c) Personal data of Vice-Chairs and Chair of EDPB present in reply letters:</p> <ul style="list-style-type: none"> • Name; • Professional title; • Signature;
13.	<p>Description of procedure to ensure data subjects' rights</p>	<p>A specific privacy statement is available on the EDPB website, with details on how data subjects can exercise their rights. Said privacy statement is also submitted to data subjects when replying to their request.</p> <p>Furthermore, any requests for a document that includes personal data is subject to a prior assessment in accordance with Article 9 of Regulation 2018/1725.</p>
14.	<p>Description of recipients of personal data</p>	<ul style="list-style-type: none"> • The Vice-Chairs of the EDPB, in case of initial requests, and the Chair of the EDPB, in case of confirmatory requests; • EDPB Secretariat staff members, on a need-to-know and need-to-do basis; • All EDPB Members (30 supervisory authorities, the European Data Protection Supervisor) and EDPB Observers, where relevant and necessary; • The European Commission, where relevant and necessary, both in its role as processor providing IT services and also in the context of its participation in the EDPB activities;

		<ul style="list-style-type: none"> • The European Parliament, where relevant and necessary, in its role as processor providing IT services; • Bodies charged with a monitoring or inspection task in application of EU law, e.g. OLAF, Ombudsman, EDPS, Court of Auditors, as well as staff of other services, where necessary in the context of official investigations or for audit purposes; • The applicant and the general public, for data included in requested documents, in addition to the above (due to the <i>erga omnes</i> effect), where the personal data does not fall under any of the relevant exceptions stipulated under Regulation 1049/2001; • The Court of Justice of the European Union, in the situation envisaged in Article 8(3) of Regulation 1049/2001.
15.	Description of transfers	N/A
16.	Description of envisaged time limits for retention for each processing operation	<p>According to the official EDPB retention schedules, the files concerning the initial applications will be stored by the EDPB for 5 years and eliminated at the end of the period. The confirmatory applications will be kept for 5 years and then considered of historical value and kept for an undetermined period.</p> <p>In case a file is subject to a legal / court dispute, the file will be kept for the period of the dispute, in the event that it is longer than the stipulated retention period.</p>
17.	General description of technical and organisational security measures referred to in Article 33	<p><u>IT Measures</u></p> <p>Any personal data collected by the EDPB is kept in restricted access servers, available only to authorised staff through adequate IT security measures. In this particular case, access is restricted to the assigned team members. In general, technical measures include appropriate actions to address online security, protect server hardware, software and the network from accidental or malicious manipulations and risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed.</p> <p><u>Organisational measures</u></p> <p>Physical access to the EDPB premises is restricted to authorised staff and EDPB members.</p>