

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

Processing of personal data for the purpose of handling requests for access to documents in accordance with Regulation 1049/2001

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Index

1. Introduction
2. What personal data do we collect, for what purpose, and through which technical means?
3. Who has access to your personal data and to whom is it disclosed?
4. How do we protect and safeguard your personal data?
5. How can you verify, modify or delete your personal data?
6. For how long do we keep your personal data?
7. What is the time limit for addressing your data subject rights' request?
8. Who can you contact to ask questions or exercise your rights?
9. Complaints

1. Introduction

As foreseen in article 76(2) of the General Data Protection Regulation,¹ access to documents submitted to members of the Board, experts and representatives of third parties shall be governed by Regulation (EC) No 1049/2001 of the European Parliament and of the Council. 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. Any processing of personal data by the EDPB and/or its Secretariat is governed by Regulation 2018/1725.² The EDPB is the data controller for this processing operation. The European Commission and the European Parliament act as processors providing IT services.

In order to process any requests for access to documents, the EDPB and its Secretariat are required to process personal data of individuals making such requests, as well as those of individuals included in / part of any requested document(s).

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. Furthermore, the EDPB is required to store and further process personal data in the context of any audits or enquiries by EU bodies, as foreseen in the applicable legal provisions. In such cases, lawfulness of processing is ensured by article 5(1)(b) and 5(2) of Regulation 2018/1725.

¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1–88

² 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

Where the EDPB is not competent to handle a request, it will inform the applicant and indicate if possible, where that information is available and which institution is responsible for handling the request.

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

2.1. Processed personal information

The following personal data categories are processed for the purposes of handling requests for access to documents:

(a) Applicant's personal data:

-) Full name;
-) Email and other provided contact details, including physical address and phone number;
-) Position in an organisation;
-) Any other personal data provided by the applicant in the context of its request;
-) Personal views and opinions of the applicant(s) that can lead to their direct or indirect identification;

(b) Personal data present in documents:

-) 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.

(c) Personal data of Vice-Chairs and Chair of EDPB present in reply letters:

-) Name;
-) Professional title;
-) Signature.

2.2. Purpose of the processing

The purpose of the processing operation is to handle initial and confirmatory requests for access to documents through different channels (mainly email, but also post). This includes sending an acknowledgement of receipt to the applicant(s), analysing requests, submitting to the Chair/Vice-Chairs for approval and informing the applicant(s) of the decision. It also includes storing, redacting and erasing any personal data contained in documents assessed in the context of a request in accordance with Regulation 1049/2001.³ Finally, it also includes dealing with related Ombudsman inquiries and court proceedings.

³ 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

2.3. Technical means

Requests are generally made via the contact page of the EDPB website, although they may also be made by email and post. Replies, and any disclosed documents, are generally provided in electronic format, via email, although they may be provided by post where necessary.

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

The following entities have access to some or all of the information mentioned above in the context of this processing operation:

-) The Vice-Chairs of the EDPB, in case of initial requests, and the Chair of the EDPB, in case of confirmatory requests;
-) The EDPB Secretariat staff, 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 and in the context of its participation in the EDPB activities;
-) The European Parliament, in its role as processor;
-) 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;
-) In addition to the above, the applicant and the general public (due to the *erga omnes* effect), for data included in requested documents, where the personal data does not fall under the relevant exception;
-) The Court of Justice of the European Union, in the situation envisaged in article 8(3) of Regulation 1049/2001.

4. How do we protect and safeguard your personal data?

Any personal data collected by the EDPB is kept in restricted access servers, available only to authorised staff through adequate IT security measures. Access to the EDPB premises is restricted to authorised staff and EDPB members.

Personal data included in any documents subject to an assessment can only be disclosed to recipients other than EU institutions and bodies in compliance with Article 9(1) 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).

5. How can you verify, modify, object to or delete your personal data?

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.

To exercise your rights as a data subject, see sections 8 and 9 of this SPS below.

6. For how long do we keep your personal data?

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.

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.

7. What is the time limit for addressing your data subject rights' request?

The time limit for the EDPB to address your data subject's request 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 you of the extension within one month of receipt of the request and will provide reasons for the delay.

8. Who can you contact to ask questions or exercise your rights?

In case you have questions, 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.

You can also directly contact the EDPB Data Protection Officer at the EDPB contact page, on our [website](#) (selecting the option "Requests for the EDPB DPO").

9. Complaints

Whilst we encourage you to always contact us first, you have the right to address a complaint to the European Data Protection Supervisor (EDPS), using the following contact information:

European Data Protection Supervisor (EDPS)
Rue Wiertz 60
B-1047 Brussels, Belgium
edps@edps.europa.eu
<https://edps.europa.eu/>