

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

Ad hoc communications and submissions to the EDPB

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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

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) or organisations, and are not considered to be part of any specific procedure of the EDPB, including public consultations, requests for information, requests for access to documents¹ or requests for data subject rights². Therefore, this privacy statement does not apply to any submissions or communications made in the context of such procedures.³

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

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. Finally, Article 12(1) of Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents stipulates that institutions shall, as far as possible, make documents directly accessible to the public. The responsible for

Secretariat of the European Data Protection Board

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

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

³ To consult the applicable privacy statements for those cases, please check the EDPB website at the following link: <u>https://edpb.europa.eu/edpb-specific-privacy-statements_en</u>



this processing operation is the EDPB. The European Parliament and the European Commission act as services providers for the provision of IT services.

As mentioned above, in some instances, the replies of the EDPB to *ad hoc* communications and submissions are published on its website. 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, on article 15 of the Treaty on the Functioning of the European Union, and on article 3 of the EDPB's Rules of Procedure⁴. Furthermore, in line with article 39 of the EDPB Rules of Procedure, all final documents adopted by the Board shall be made public on the Board's website, except where the Board decides otherwise. 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.

2. What personal data 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;
- Publishing 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

Secretariat of the European Data Protection Board

⁴ Cf. <u>https://edpb.europa.eu/our-work-tools/our-documents/publication-type/rules-procedure_en</u>



adequate safeguard, before publication, the EDPB may consult the data subject to assess whether there might be any prejudice to their legitimate interests.

2.3 Technical means

The EDPB generally receives ad hoc communications and submissions via email and post and processes them in the same way, although it may also receive them through other platforms (e.g. social media). It may also share between EDPB members any received communications / submissions in internal platforms.

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

The following entities have access to your information:

-) The EDPB SEC 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 also in the context of its participation in the EDPB activities;
-) The European Parliament, where relevant and necessary, in its role as processor;
-) The European Ombudsman, in order to be able to investigate any complaints of maladministration;
-) 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;
-) The Court of Justice of the European Union, in the situation envisaged in article 8(3) of Regulation 1049/2001.
-) The general public, where letters are published on the EDPB website;

Personal data can only be disclosed to recipients other than EU institutions and bodies in compliance with Article 9 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 personal data?

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 personal data?

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 sections 8 and 9 of this SPS below.

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

Ad hoc communications and submissions (records) are kept for a period of five years, counting from the date of reception. According to approved EDPB retention schedules, records may undergo sampling and selection or may be considered of historical value and kept for an undetermined period.

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.

The EDPB can decide, at any time, to remove documents from its website and keep them in its files, which are subject to the approved retention schedules, or simply let the retention period expire i.e. the EDPB considers it has been archived, although it remains available online as before.

7. What is the time limit for addressing your data subject rights' 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. 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 <u>website</u> (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

Secretariat of the European Data Protection Board



B-1047 Brussels, Belgium edps@edps.europa.eu https://edps.europa.eu/

Secretariat of the European Data Protection Board

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