

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

# Management and (short- and medium-term) preservation of EDPB, including EDPB Secretariat, records

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#### 1. Introduction

The present privacy statement explains how the European Data Protection Board ("the EDPB"/"we"/"us"/"our") processes personal data for purposes relating to record management.

The daily work of the EDPB entails producing or receiving documents. Our goal is to ensure that we manage all such documents according to the principles of good administration, in line with Council Regulation (EEC, Euratom) No 354/83<sup>1</sup> and in line with our internal procedures.

# 2. Who is responsible for the processing of your personal data and under which legal grounds?

The EDPB is the controller for the processing of personal data for purposes of record management. In this processing operation, the European Commission acts as a processor providing IT services.

We process your personal data because it 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 under Article 5(1)(a) and (2) of Regulation (EU) 2018/1725<sup>2</sup>. More specifically, this task

<sup>&</sup>lt;sup>1</sup> Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community.

<sup>&</sup>lt;sup>2</sup> 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.



stems from Council Regulation (EEC, Euratom) No 354/83 which provides our obligation relating to archiving, as well the EDPB records management <u>decision</u>.

We may also process your personal data because it is necessary for compliance with a legal obligation under Article 5(1)(b) and (2) of Regulation (EU) 2018/1725. This could be, for instance, when a relevant EU body (such as the European Court of Auditors) carries out an audit or investigation, or when we handle requests for access to documents under Regulation (EC) 1049/2001<sup>3</sup> or your request to exercise your data subject rights under Regulation (EU) 2018/1725.

## 3. Why and how do we process your personal data?

The management and short- and medium-term preservation of produced or received documents and their related data responds to the following essential needs:

- 1. ensuring business continuity and accountability in the context of our activities by keeping appropriate documentation, and contributing to the transparency of our activities to citizens;
- 2. improving quality of service with document management, collaboration and workflow features;
- 3. preserving the institutional memory of the EDPB through the preservation of certain categories of files for archiving purposes.

In the course of its activities, the EDPB creates and receives records containing personal data. Processing in the context of (short- and medium-term) preservation of EDPB records is necessary for the following specific reasons:

- 1. ensuring that documents are authoritative records of the EDPB by including metadata (which may include personal data such as names) that explicitly document the four main characteristics of authoritative records (reliability, integrity, usability and authenticity). Personal data contained in the documents are processed as an integral and necessary part of those documents. They form a guarantee for the validity and the integrity of the content of the document in question;
- 2. ensuring that documents are traceable (including by means of personal data such as names). We need to be able to clearly identify the documents we have produced or received. We also need to be able to trace them throughout their lifecycle and manage them in the context in which they were produced or received. For these related aspects, the processing of mandatory minimum metadata in relation to the author and the addressee of a given document is necessary;

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<sup>&</sup>lt;sup>3</sup> 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.



- 3. the processing of users' data (for example logs) via audit trails. This may be done for example, to verify the lawfulness of the elimination of files or, in the context of administrative investigations, to verify who had access to a given document. For these reasons, a records management system keeps an indication of all operations performed on documents and their metadata. The audit trail typically includes the reasons for the operation, the date of the operation and the name (login) of the individual or departments/bodies responsible for the operation;
- 4. ensuring that appropriate techniques and security measures are adopted to ensure IT security of the systems used for records management, including the maintenance and update of these systems;
- 5. enabling access management and access control based on the predefined rights of users and owner-departments/-bodies of documents and on the level of accessibility to the documents themselves. To achieve this purpose, the name of any EDPB members' representatives and staff, as well as EDPB Secretariat staff members, may be processed;
- 6. enabling individuals with access rights to a document to access any personal data the document contains:
- 7. enabling processing for archiving purposes in the public interest by organising and ensuring the transfer of files to the Historical Archives of the European Union (HAEU) in line with the retention policies set out in the EDPB's specific retention list.

In addition, in line with Article 4(1)(b) of Regulation (EU) 2018/1725, we further process personal data for the following purposes:

- archiving in the public interest of the EDPB's historical archives;
- scientific or historical research purposes;
- statistical purposes.

Personal data will also be processed for the purposes of complying with a legal obligation to which the EDPB is subject, such as those referred to in section 2.

Your personal data will not be used for any automated decision-making including profiling as referred to in Article 24 of Regulation (EU) 2018/1725.

### 4. Which personal data do we collect and further process?

We process the personal data of:

- data subjects internal to the EDPB, including any EDPB members' representatives and staff, as well as the EDPB Secretariat staff members;
- individuals who send or receive documents that need to be captured or registered in



line with the EDPB's records management decision;

• individuals referred to in any generated or captured document or their metadata.

In order to meet the purposes explained above, we process the following personal data:

- 1. Personal data in the metadata accompanying documents and files. This includes:
  - o mandatory minimum metadata in relation to the author and addressee of a given document. This typically includes the name and surname of the respective individuals and the department/body to which they belong;
  - o the title or subject of the document or file concerned may contain any category of personal data; and
  - o the title/brief description of the attachments of the document concerned may contain any category of personal data.
- 2. Personal data in audit trail and workflow data. This includes the name, surname, department/body, and e-mail address of the author(s) or participant(s) involved in major records management actions at the level of metadata, documents, files or procedures;
- 3. Personal data in access management and control data. This includes name, surname, department/body, e-mail address and the individual access rights of a user; and
- 4. Personal data in document content, which may contain any category of personal data.

It is possible that the title/description of documents and their content may contain special category personal data, as defined in Article 10(1) of Regulation (EU) 2018/1725. According to Article 10(1) of Regulation (EU) 2018/1725 such processing is prohibited unless one of the reasons provided for in Article 10(2) of Regulation (EU) 2018/1725 applies.

In cases where we process special categories of personal data, this processing will be based on one of the following reasons of Article 10(2) of Regulation (EU) 2018/1725:

- the processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes under Article 10(2)(j);
- the processing is necessary or the establishment, exercise or defense of legal claims or whenever the Court of Justice of the European Union is acting in its judicial capacity under Article 10(2)(f);
- the processing is necessary for reasons of substantial public interest, on the basis of Union law which shall be proportionate to the aim pursued under Article 10(2)(g);
- you, as a data subject, have manifestly made the personal data public under Article 10(2)(e); or



• you, as a data subject, have given your explicit consent to this processing under Article 10(2)(a).

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

The following entities/individuals have access to your personal data:

- EDPB Secretariat staff members, on a need-to-know and need-to-do basis;
- all EDPB Members (i.e. 30 supervisory authorities and the European Data Protection Supervisor), as well EDPB Observers, where necessary;
- the European Commission, where necessary, both in its role as processor providing IT services and also in the context of its participation in the EDPB activities;
- bodies charged with a monitoring or inspection task in application of EU law, e.g.
  OLAF, European Ombudsman, EDPS as a supervisory authority, Court of Auditors,
  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, where necessary;
- the general public, for data included in documents, in application of Regulation (EC) 1049/2001 or Council Regulation (EEC, Euratom) 354/83.

The records management system (Ares) provided by the European Commission includes a common database of external persons (anyone who is not a user of the records management system). This common database contains the metadata about external persons encoded by Ares users (from any European Institution, Agency or Body also using the system) as the sender or recipient of a document.

EDPB Secretariat staff members are under instruction to refrain from encoding personal data of external persons (persons without an Ares account) in the common database, in particular by not including external persons in a document's metadata fields for senders and recipients. Further, EDPB Secretariat staff members are under instruction to refrain from consulting the common database of personal data of external persons.

### 6. How do we protect your personal data?

We keep all the personal data we use on restricted and password-protected servers, with access limited on a need-to-know and need-to-do basis. Physical access to our premises is protected, and restricted to authorised personnel only.

## 7. For how long do we keep your personal data?

The EDPB only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing. In particular:



- except where they fall under one of the subsequent categories, personal data in mandatory metadata accompanying documents and files are kept indefinitely;
- personal data in audit trail and workflow data are kept indefinitely to ensure that the authors and participants in major records management actions at the level of metadata, documents, files or procedures can be identified even after elimination of the documents concerned:
- personal data in access management and control data are kept for as long as the individual is granted access; and
- personal data in document content are kept throughout the retention period, as defined in the specific EDPB retention list, and in case of transfer to the Historical Archives of the European Union (HAEU) will be kept indefinitely.

In case a file is subject to a legal / court dispute, the records will be kept for the period of the dispute, in the event that it is longer than the stipulated retention period.

# 8. How can you verify, modify or delete your personal data?

As the individual to whom the personal data relate, you can exercise the following rights:

- 1. have access to your personal data;
- 2. rectify your personal data;
- 3. erase your personal data;
- 4. restrict the processing concerning yourself;
- 5. exercise the right to data portability.

Please note that these rights are not absolute rights, which means that some exceptions may apply. These rights are applied on a case-by-case basis.

In addition, you can object to the processing of your personal data under Article 23 of Regulation (EU) 2018/1725 for reasons relating to your particular situation. When you contact us to exercise this right, please explain these reasons. We will remove your personal data, unless we can demonstrate compelling legitimate grounds for the processing that override your interests, rights and freedoms.

In case of processing of special categories of data on the basis of your consent (Article 10(2)(a) of Regulation (EU) 2018/1725), you can withdraw your consent at any time, without any consequence by contacting us. However, this will not affect the lawfulness of the processing based on your consent prior to withdrawing it.

To exercise your rights as a data subject, please see sections 10 and 11 below.



# 9. How long do you have to wait to receive our reply to your data subject rights' request?

After receiving your request, we have one month to provide information on action taken on your request. We may extend this period by two further months, taking into account the complexity and number of the requests. In that case, we will inform you of the extension and its reason within one month of receipt of your request.

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

If you have questions, or wish to exercise your rights as a data subject, please contact us at <a href="edpb@edpb.europa.eu">edpb@edpb.europa.eu</a> or via our <a href="website's">website's</a> contact page (selecting the option "Requests for the EDPB DPO").

#### 11. Who can you contact to complain about the processing of your personal data?

We encourage you to always contact us first to raise your questions or concerns.

In any case, you remain entitled to send 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/