

## EDPS record of processing activity

Record of EDPS 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
		<b>Complaints to the EDPS</b>
1.	Last update of this record	<b>29/11/2018</b>
2.	Reference number	<b>29</b>
3.	Name and contact details of controller	<a href="#">European Data Protection Supervisor (EDPS)</a> <b>Postal address:</b> Rue Wiertz 60, B-1047 Brussels <b>Office address:</b> Rue Montoyer 30, B-1000 Brussels <b>Telephone:</b> +32 2 283 19 00 <b>Email:</b> <a href="mailto:edps@edps.europa.eu">edps@edps.europa.eu</a>  Responsible department: Supervision & Enforcement Unit (no specific email)  Contact form for enquiries on processing of personal data to be preferably used: <a href="https://edps.europa.eu/node/759">https://edps.europa.eu/node/759</a>
4.	Name and contact details of DPO	<a href="mailto:edps-dpo@edps.europa.eu">edps-dpo@edps.europa.eu</a>
5.	Name and contact details of joint controller (where applicable)	N/A
6.	Name and contact details of processor	N/A

Nr	Item	Description
	(where applicable)	
7.	Short description and purpose of the processing	<p>Personal data will be used for handling and investigating complaints submitted to the EDPS.</p> <p>Article 57(1)(e) lays down the duty of the EDPS to handle complaints lodged by a data subject, a body, an organisation or association, and investigate, to the extent appropriate, the subject matter of the complaint and inform the complainant of the progress and the outcome of the investigation within a reasonable period, in particular if further investigation or coordination with another supervisory authority is necessary.</p> <p>In accordance with Article 63, every data subject shall have the right to lodge a complaint with the EDPS if they consider that the processing of personal data relating to them infringes the Regulation. Article 67 lays down the right for the data subject to mandate a not-for-profit body, which meet certain criteria, to lodge the complaint with the EDPS and exercise the related rights on their behalf.</p> <p>According to Article 68, any person employed by a Union institution or body may lodge a complaint regarding an alleged infringement of the provisions of the Regulation.</p> <p>Article 43(2)(a) of the Europol Regulation stipulates that the EDPS shall have the duty of hearing and investigating complaints, and informing the data subject of the outcome within a reasonable period. Article 47 lays down the right for any data subject to lodge a complaint with if they consider that the processing by Europol of personal data relating to them does not comply with the Europol Regulation.</p>
8.	Description of categories of persons whose data the EDPS processes and list of data categories	<p><b><i>Categories of persons whose data the EDPS processes</i></b></p> <ul style="list-style-type: none"> <li>- Any person who submits a complaint to the EDPS;</li> <li>- Staff of Union institutions and bodies contacted in the context of the complaints handling;</li> <li>- Persons outside the Union institutions and bodies contacted in the context of the complaints handling, as they are or have been involved in the matter;</li> <li>- Persons whose data is processed (consulted / accessed / collected as part of the evidence)</li> </ul>



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		<p>during the investigation (staff or third parties);</p> <ul style="list-style-type: none"> <li>- EDPS staff involved in the complaints handling.</li> </ul> <p><b>List of data categories</b></p> <ul style="list-style-type: none"> <li>- Name, function, contact details of any data subject above;</li> <li>- Any personal data, including sensitive data, contained in documents and files that are submitted / consulted / accessed / collected as part of the complaints handling and investigation;</li> </ul>
9.	Time limit for keeping the data	<p><b>Admissible complaints:</b> 10 years after closure</p> <p><b>Inadmissible complaints:</b> 5 years after closure</p>
10.	Recipients of the data	<ul style="list-style-type: none"> <li>- The complainant, the data controller of the processing operation concerned by the complaint (e.g. Secretary-General, Director, Head of Unit and other staff members involved in the matter), the DPO of that Union institution or body, and the legal counsel of the complainant.</li> </ul> <p>In the context of a particular inquiry, data may be transferred to the Court of Justice of the European Union, the European Ombudsman, OLAF and national courts.</p> <p>In the framework of cooperation between the EDPS and national DPAs under Article 61, transfers to these authorities may take place to the extent necessary for the performance of respective duties, in particular by providing each other with relevant information, asking each other to exercise their powers and responding to each other's requests.</p> <p>Transfers to third country DPAs and international organisations can take place in the framework of international mutual assistance in the enforcement of legislation for the</p>



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		<p>protection of personal data, including through notification, complaint referral, investigative assistance and information exchange, subject to appropriate safeguards (see Article 51(b) and point 11 below).</p> <p>This is without prejudice to Regulation (EC) 1049/2001 regarding public access to documents</p>
11.	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	Possible transfers to third country DPAs and other supervisory authorities and international organisations in the framework of international mutual assistance under Article 51(b) in the enforcement of legislation for the protection of personal data, including through notification, complaint referral, investigative assistance and information exchange, subject to appropriate safeguards for the protection of personal data and other fundamental rights and freedoms.
12.	General description of security measures, where possible.	<ul style="list-style-type: none"> <li>- Complainants are advised to submit complaints using the online complaint form on the EDPS website which uses HTTPS to ensure security and confidentiality of the transmitted complaints.</li> <li>- Access to complaint files in the Case Management System is limited on a need-to-know basis to a defined group of EDPS staff handling complaints.</li> <li>- Paper files are stored in locked cupboards and archives.</li> <li>- EDPS staff are under the obligation of professional secrecy under Article 56 of the new Regulation, as well as the general confidentiality obligation under the Staff Regulations. Duty of confidentiality is also specifically noted in the complaint handling procedures.</li> </ul>
13.	For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the data protection notice:	<a href="https://edps.europa.eu/data-protection/our-role-supervisor/complaints-handling-data-protection-notice_en">https://edps.europa.eu/data-protection/our-role-supervisor/complaints-handling-data-protection-notice_en</a>

