ACCESS TO DOCUMENTS

DATA PROTECTION NOTICE

The purpose of the processing activity is to ensure the appropriate handling of requests for public access to documents under Regulation (EC) No 1049/2001. Such requests may be lodged by any citizen of the European Union and any natural or legal person residing or having its registered office in a Member State.

It is a general duty of the EDPS to comply with Regulation (EC) No 1049/2001, which enables citizens to participate more closely in the decision-making process and ensures that administration acts with greater legitimacy, efficiency and accountability. The principle of transparency, enabled and enhanced by the Regulation (EC) No 1049/2001, helps strengthen the principle of democracy and respect for fundamental rights.

For the purposes of the Regulation (EC) No 1049/2001, the EDPS will send acknowledgement of receipts, analyse requests, assess possible disclosure of documents originating from the EDPS or third parties, inform the applicants of the decision to disclose or to refuse the disclosure of documents or information and handle possible confirmatory applications.

The EDPS processes your personal data based on Regulation (EU) 2018/1725 ('the Regulation').

The following information is provided as established in Articles 14, 15 and 16 of the Regulation.

Who is the controller?

The controller is the EDPS. For more information on the EDPS, please consult our website: https://edps.europa.eu.

Contact: edps@edps.europa.eu

What personal data do we process and who can access it?

The EDPS processes the name and the contact details of the person requesting the documents and any other personal data submitted by the applicant in the request. In

addition, the EDPS processes any personal data that may appear in the requested documents.

EDPS staff members dealing with the request will have access to the case file containing your personal data on a need-to-know basis. Your personal data are not disclosed outside the EDPS.

Where did we get your personal data?

Personal data are collected directly from the applicants who request public access to documents under Regulation 1049/2001. Personal data that appear in the requested documents have been collected for specific purposes, such as the handling of complaints or for recruitment purposes.

Why do we process your personal data and under what legal basis?

Your personal data are processed by the EDPS to ensure the appropriate handling of requests for public access to documents under Regulation (EC) No 1049/2001.

The right of access to documents is laid down in Article 15(3) of the Treaty on the Functioning of the European Union, in Article 42 of the Charter of Fundamental Rights of the European Union and more in detail in Regulation (EC) No 1049/2001. In addition, recital 5 of Decision No 1247/2002/EC of the European Parliament, of the Council and of the Commission of 1 July 2002 on the regulations and general conditions governing the performance of the European Data Protection Supervisor, sets out that the EDPS should comply with Regulation (EC) No 1049/2001.

The EDPS complies with the provisions of Regulation (EC) No 1049/2001 in accordance with its Rules of Procedure where Article 30 reads as follows: '*The EDPS shall designate a Transparency Officer to ensure compliance with Regulation (EC) No 1049/2001 of the European Parliament and of the Council, without prejudice to the handling of public access to documents requests by the EDPB secretariat in accordance with point IV(2)(iii) of the Memorandum of Understanding between the EDPS and the EDPB.*.'

How long do we keep your personal data?

The EDPS stores the case file including your personal data electronically for a maximum of ten years after the closure of the case, or as long as the EDPS is under a legal obligation to do so. After this period, the files are transferred to the EU archives and the disclosed documents are subject to permanent preservation in line with the EDPS retention schedule.

What are your rights regarding your personal data?

You have the right of access to your personal data and to relevant information concerning how we use it. You have the right to rectify your personal data without undue delay if it is inaccurate or incomplete. Under certain conditions, you have the right to ask that we delete your personal data or restrict its use. Where applicable, you have the right to object to our processing of your personal data, on grounds relating to your particular situation,

where applicable.

We will consider your request, take a decision and communicate it to you without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months, where necessary, in accordance with the provisions of the Regulation.

For more information, please see Articles 14 to 21, 23 and 24 of the Regulation. Please note that in some cases restrictions under Article 25 of the Regulation may apply.

You can send your request to the EDPS by post in a sealed envelope or use our contact form on the EDPS website (see section on contact details below).

Complaints
You have the right to lodge a complaint. If you have any remarks or complaints regarding the way we process your personal data, we invite you to contact the EDPS DPO (see section on contact details below).

You have, in any case, the right to lodge a complaint with the EDPS, as the supervisory authority: https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en.

Contact details for enquiries regarding your personal data.

You may contact us using the EDPS contact form, selecting 'My personal data' as the relevant subject: https://edps.europa.eu/node/759.

If you wish to contact the EDPS DPO personally, you can send an e-mail to DPO@edps.europa.eu or a letter to the EDPS postal address marked for the attention of the EDPS DPO.

EDPS postal address: European Data Protection Supervisor, Rue Wiertz 60, B-1047 Brussels, Belgium

You can also find contact information on the EDPS website: https://edps.europa.eu/aboutedps/contact_en.

Where can I find out more information?
See the EDPS register of records of processing activities.