



EUROPEAN DATA PROTECTION SUPERVISOR

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 and files.

In case it is necessary to authenticate your identity to establish the eligibility for access to documents under Article 2(1) of the Regulation 1049/2001, a proof of identification could be

requested. You will be informed that only a limited amount of personal data will be processed in this context. For example, if a copy of an ID card or passport or other document would be provided, the only personal details that should be visible are: full name, the issuing authority, the nationality, and the expiry date. Personal data such as photo, serial-number, and personal characteristics can be blacked out on the copy. The EDPS' use of the information provided in this context is strictly limited: the personal data provided will only be used to verify your identity and will not be stored for longer than needed for this purpose.

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 submitted in the application or part of it maybe be shared with the Union institution or body concerned, should the EDPS need to carry out a consultation process with another Union institution or body.

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.

In case it is necessary to authenticate your identity, the copy of the document provided

will only be processed during the time necessary to establish your identity. Afterwards, the copy of will be erased from EDPS records.

What are your rights regarding your personal data?

You have the right to request access to your personal data and to relevant information concerning how we use it. You have the right to request rectification of your personal data. You have the right to ask for the erasure of your personal data or to restrict its processing. You have the right to object to the processing of your personal data, on grounds relating to your particular situation, at any time.

We will consider your request, take a decision and communicate it to you. The time limit for treating your request is one (1) month. This period may be extended by two (2) further months where necessary, taking into account the complexity and the number of the requests. In those cases, the EDPS will inform you of the extension within one (1) month of receipt of your request and will provide reasons for the delay.

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).

You have the right to lodge a complaint

If you have any remarks or complaints regarding the way EDPS processes your personal data, we invite you to contact the responsible department or role or the EDPS DPO (see section on contact details on the first page and below).

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

Contact details for enquiries regarding your personal data

We encourage you to contact us using the EDPS contact form, selecting 'My personal data' as the relevant subject: https://edps.europa.eu/about-edps/contact_en.

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/about-edps/contact_en.