



EUROPEAN DATA PROTECTION SUPERVISOR

COMPLAINTS TO THE EDPS DATA PROTECTION OFFICER

DATA PROTECTION NOTICE

This data protection notice explains how personal data is processed in connection with the handling of complaints submitted to the European Data Protection Supervisor (EDPS) Data Protection Officer (DPO).

Personal data is processed in accordance with [Regulation \(EU\) 2018/1725](#) (hereinafter 'the Regulation').

We provide you with the information that follows based on Articles 15 and 16 of the Regulation.

Who is the controller?

The controller is the **EDPS DPO**.

Postal address: Rue Wiertz 60, B-1047 Brussels

Office address: Rue Montoyer 30, B-1000 Brussels

Telephone: +32 2 283 19 00

Email: DPO@edps.europa.eu or edps@edps.europa.eu

Contact form for enquiries on processing of personal data to be preferably used: https://www.edps.europa.eu/about-edps/contact_en.

For more information: https://www.edps.europa.eu/about/data-protection-within-edps/data-protection-officer-edps_en.

The **European Parliament (EP)** acts as a separate controller regarding the IT infrastructure it provides to the EDPS. For more information, please refer to the [EP register](#).

DG ITEC - Individual Equipment & Logistics Unit (EQUILOG)

ITEC-DPO-EQUILOG@europarl.europa.eu

Are any processors engaged in the processing of personal data?

Fabasoft (as service provider for the Case Manager System - CMS)

privacy@fabasoft.com; dpo-at@fabasoft.com

For more information, please refer to the specific [record of processing activity](#).

If reply is sent by post (mail), a processor providing postal services would be involved. In that case, only the name and postal address of the recipient would be processed by the processor.

What personal data do we process and who has access to this personal data?

Categories of personal data processed

The list **of categories of personal** data processed is following:

- Name, contact details (e.g. email address, postal address, phone number), function (if applicable) of the person who submitted the complaint
- Content of the complaint
- Any personal data submitted in the context of the complaint, including in documents
- Any personal data contained in internal EDPS documents that might need to be processed in the context of the complaint

Access to personal data processed

Personal data of the complaint (or part of it) may be shared with EDPS staff, as applicable, while investigating the complaint subject to Article 4(10) of the [EDPS Implementing rules concerning the DPO](#).

In cases where the EDPS DPO is not competent to investigate the subject matter, personal data may be transmitted to the relevant entity (e.g. EDPS as supervisory data protection authority).

Personal data may be transmitted, where applicable, to:

- Bodies charged with a monitoring or inspection task under EU law, where required for official investigations or for audit purposes (e.g. European Ombudsman, the EDPS, as data protection supervisory authority)
- The Court of Justice of the European Union

Complaints are handled confidentially. During and after the end of the inquiry, no documents related to the complaint, including the final decision, are proactively disclosed by the EDPS DPO to the public. However, access to such documents might be requested on the basis of Regulation (EC) 1049/2001 regarding public access to documents. In such a case, the EDPS might grant access to the documents on a case-by-case basis, in whole or in part, in accordance with the relevant rules.

Given that the EP provides to the EDPS IT infrastructure, data, including personal data, is stored in the EP infrastructure and processed via its applications. Access to personal data can be done on the basis of sound justification and on a strictly necessary basis (i.e. incident resolution, official investigations) by authorised staff. More information on the processing of personal data in this context by the EP (e.g. applicable retention periods), is available in the specific records of processing activities of the EP ([EP register](#)).

Within the complaints handling process, personal data are processed within the EDPS CMS, supplied by a service provider. For more information, please refer to the specific [record of processing activity](#).

As mentioned above, in case of reply by post, certain personal data (only the name and postal address of the recipient) will be provided to the processor in order to deliver the mail.

Where did we get your personal data?

The personal data is either obtained directly from the complainant or originates from a separate processing operation carried out by the EDPS, or from both sources.

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

Personal data is processed in connection with the handling of complaints submitted to the EDPS DPO.

Data subjects may contact the DPO about issues related to processing of their personal data by the EDPS and the exercise of their rights (Article 44(4) the Regulation: *'Data subjects may contact the data protection officer with regard to all issues related to processing of their personal data and to the exercise of their rights under this Regulation.'*).

Also, the DPOs may, on their own initiative or at the request of the data controller or the processor, the staff committee, or any individual investigate matters and occurrences directly relating to their tasks and which come to their notice, and report back to the person who commissioned the investigation, or to the data controller or processor (Article 45(2) the Regulation: *The DPO '[...] may, on his or her own initiative or at the request of the controller or the processor, the staff committee concerned or any individual, investigate matters and occurrences directly relating to his or her tasks which come to his or her notice, and report back to the person who commissioned the investigation or to the controller or the processor.'*)

The [EDPS Implementing rules concerning the DPO](#) provide in Article 4(10) that *'If the applicant is a data subject asking for an investigation on the processing of their personal data, or if the applicant acts on behalf of the data subject concerned, the DPO must, to the extent possible, ensure confidentiality on the request, unless the data subject concerned gives his or her unambiguous consent for the request to be handled otherwise'*. In this case, lawfulness is based on Art. 5(1)(d) of the Regulation (consent).

The DPO performs its duties and tasks in an independent manner.

How long do we keep your personal data?

Personal data is kept as follows:

- in case of complaints within the DPO's remit (**admissible complaints**), personal data is stored for **ten (10) years** after case closure, after which it is deleted
- in case of complaints outside the DPO's remit (**inadmissible complaints**), personal data is stored for **one (1) year** after case closure, after which it is deleted

Retention periods may be extended if required by legal proceedings.

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. Where applicable, 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.

You can send your request to the EDPS electronically or by post (see section on contact details below).

Automated decision-making

Personal data is not subject to automated decision-making.

You have the right to lodge a complaint

If you have any remarks or complaints regarding the processing of your personal data, you can 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://www.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.