



EUROPEAN DATA PROTECTION SUPERVISOR

ACCESS TO DOCUMENTS

DATA PROTECTION NOTICE

This data protection notice explains how personal data is processed in connection with the 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 (EU) and any natural or legal person residing or having its registered office in an EU Member State, according to Article 2(1) of the Regulation (EC) No 1049/2001.

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.

In accordance with the Article 52(4) of the [Regulation \(EU\) 2018/1725](#), [Regulation \(EC\) No 1049/2001](#) shall apply to documents held by the European Data Protection Supervisor (EDPS).

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 and handle possible confirmatory applications. In exceptional circumstances, the EDPS might consider the application of a queuing system where multiple requests from same requester will be processed one after the other.

The EDPS processes 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.

The delegated controller is the Head of the EDPS Secretariat

For more information on the EDPS, please consult our website: <https://edps.europa.eu>.

Contact: 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

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](#).

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

Personal data processed

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 establish the eligibility for access to documents of the requester under Article 2(1) of the Regulation 1049/2001 (i.e. to distinguish between requests for public access to documents made by EU citizens or residents and those made by persons who are not EU citizens or residents), the EDPS is entitled to ask requesters to provide evidence confirming whether they are EU citizens or residents. In this context, the EDPS will only process a limited amount of personal data. For example, if a copy of an ID card or passport or other document were provided, the only personal details that should be visible are: full name, the issuing authority, the citizenship, and the expiry date. Personal data such as photo, serial-number, and personal characteristics can be blacked out on the copy.

In line with the principle of good administration, the EDPS asks for identification only at the time of initial applications and not review requests (so called “confirmatory application”). 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.

Access to personal data

The 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 may be shared with a Union institution, body, or agency concerned, should the EDPS need to carry out a consultation process with that specific entity.

The EDPS publishes as a rule the disclosed documents on the [EDPS Public Access to Documents Register](#), allowing any other potential applicant to access the documents disclosed in previous requests under the Regulation (EC) 1049/2001, without the need to submit a new application. In principle, access granted in response to an application is to be considered disclosure to the public at large (erga omnes) and the EDPS cannot grant another applicant narrower access to a document already disclosed under the Regulation (EC)

1049/2001.

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 access to documents 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](#).

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

Where did we get your personal data?

Personal data are collected directly from you when requesting public access to documents under Regulation (EC) 1049/2001.

Personal data that appear in the requested documents have been collected for specific purposes, such as handling of complaints or for recruitment purposes.

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

Purpose of processing

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](#).

In exceptional cases, it may be used for the purpose of applying a queuing system, where multiple requests from same requester will be processed one after the other. Should the EDPS decide to implement such a system exceptionally in your particular case, you will be informed and be provided with specific information regarding the particular queuing system (i.e. the processing order of the requests) as well as regular updates.

Legal basis

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 accordance with the Article 52(4) of the Regulation, [Regulation \(EC\) No 1049/2001](#) shall apply to documents held by the EDPS.

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. Retention periods may be extended if required by legal proceedings.

After this period, the files will be transferred to the archives. The disclosed documents are subject to permanent preservation in line with the EDPS retention rules.

In case it is necessary to establish the eligibility of the requester and evidence in this sense has been provided, the copy of the document provided will only be processed during the time necessary to establish the eligibility. Afterward, the copy 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.

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.

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 delegated controller 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 these 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.