

From: SUPERVISION [REDACTED]
To: [REDACTED]
Sent at: 04/07/23 16:19:18
Subject: RE: Our ref.: 2022-1189 - D(2023) 2038 - Your complaint against EPSO

Dear [REDACTED],

We acknowledge receipt of your e-mail and annexes of 4 July 2023, regarding Case 2022-1189.

With regard to your question on 20 June 2023, 'what the header confidential means in the context', please be informed as follows:

according to our procedure on complaints' handling, complaints are sensitive and handled in accordance with our standard confidential treatment (see below). This is why we indicate 'confidential' in our e-mails to both the complainant and the controller when we send EDPS decisions on complaints.

As to your questions 'Can I share your reply with my lawyer? Can I share your reply with a not-for-profit body, organisation or association?', you may share them with whoever you want under your exclusive responsibility. However, in accordance with the standard confidential treatment, the EDPS will not disclose any documents related to the complaint, including the final decision, to third parties. An anonymous summary of the complaint may also be published on the EDPS website and in the EDPS annual report in a form which does not allow the complainant or third parties to be identified. The EDPS may also decide to publish the final decision in its entirety in important cases. This would be done in a form which takes into account any request for confidentiality and therefore does not allow the complainant or other parties to be identified.

Kind regards,

SUPERVISION & ENFORCEMENT UNIT



| Tel. (+32) 228 31900 | Fax +32(0)22831950 |
Email Supervision@edps.europa.eu
European Data Protection Supervisor
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This email (and any attachment) may contain information that is internal or confidential. Unauthorised access, use or other processing is not permitted. If you are not the intended recipient please inform the sender by reply and then delete all copies. Emails are not secure as they can be intercepted, amended, and infected with viruses. The EDPS therefore cannot guarantee the security of correspondence by email.

Information about the standard confidential treatment of your complaint

Your personal information (Article 3(1) of Regulation (EU) 2018/1725) will be processed by the EDPS for the purpose of the investigation of your complaint. For the proper conduct of the investigation it is usually necessary to inform the relevant services of the EU institution, body, office or agency (EUI) concerned and, if necessary for the investigation, the third parties involved, about the content of the complaint and the identity of the complainant. The EDPS will also copy the Data Protection Officer (DPO) of the EUI concerned into all correspondence between the EDPS and the EUI in question.

If you wish to remain anonymous to the EUI concerned, to the relevant DPO or to third parties, please explain the reasons. The EDPS will try to respect your request. However, it may not be possible for the viability of the subsequent EDPS inquiry to handle a complaint on an anonymous basis. If the EDPS decides not to accept your request for anonymity, we will explain our evaluation and ask you whether you accept that the EDPS discloses your identity or whether you prefer to withdraw the complaint. If you decide to withdraw the complaint, neither the EUI concerned nor any third party will be informed about the existence of the complaint. In such a case, the EDPS may undertake other actions on the matter, without revealing to the EUI concerned the existence of your complaint, such as an own initiative inquiry.

During and after the end of the inquiry, no documents related to the complaint, including the final decision, are proactively disclosed by the EDPS to third parties. However, access to such documents might be requested on the basis of EU legislation on public access to documents. In such a case, following a case-by-case analysis, the EDPS might grant access to the documents, in whole or in part, in accordance with the relevant rules. An anonymous summary of the complaint may also be published on the EDPS web site and in the EDPS annual report in a form which does not allow the complainant or third parties to be identified. The EDPS may also decide to publish the final

decision in its entirety in important cases. This would be done in a form which takes into account any request for confidentiality and therefore does not allow the complainant or other parties to be identified.

Data Protection Notice

According to Articles 15 and 16 of Regulation (EU) 2018/1725 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, please be informed that your personal data will be processed by the EDPS, where proportionate and necessary, for the purpose of investigating your complaint. The legal basis for this processing operation is Article 57(1)(e) of Regulation (EU) 2018/1725. The data processed will have been submitted by you, or from other sources during the inquiry of your complaint, and this may include sensitive data. Your data will only be transferred to other EU institutions and bodies or to third parties when it is necessary to ensure the appropriate investigation or follow up of your complaint. Your data will be stored by the EDPS in electronic and paper files for up to ten years (five years for prima facie inadmissible complaints) after the case closure, unless legal proceedings require us to keep them for a longer period. You have the right to access your personal data held by the EDPS and to obtain the rectification thereof, if necessary. Any such request should be addressed to the EDPS at edps@edps.europa.eu. Your data might be transferred to other EU institutions and bodies or to any third parties only where necessary to ensure the appropriate handling of your request. You may also contact the data protection officer of the EDPS (DPO@edps.europa.eu), if you have any remarks or complaints regarding the way we process your personal data. You can find the full version of our data protection notice on complaint handling at: https://edps.europa.eu/data-protection/our-role-supervisor/complaints-handling-data-protection-notice_en.

From: [REDACTED]
Sent: 04 July 2023 08:19
To: SUPERVISION <supervision@edps.europa.eu>
Subject: Re: Our ref.: 2022-1189 - D(2023) 1786 - Your complaint against EPSO

Dear SUPERVISION,

Please find attached my request for review.
Can you please acknowledge the reception of this email?

Thanks for your time.

Best regards

[REDACTED]

El vie, 23 jun 2023 a las 9:04, [REDACTED] escribió:

Dear Supervision, [REDACTED],

Any news on this? I have to prepare my reply.

Thanks for your time

Best regards

[REDACTED]

El mar, 20 jun 2023 a las 11:13, [REDACTED] escribió:

Dear Supervision, [REDACTED]

Can someone please explain to me what the header CONFIDENTIAL means in this context?

"

Article 14(1)

Transparent information, communication and modalities for the exercise of the rights of the data subject

1. The controller shall take appropriate measures to provide any information referred to in Articles 15 and 16 and any communication under Articles 17 to 24 and 35 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language, in particular for any information addressed specifically to a child. The information shall be provided in writing, or by other means, including, where appropriate, by electronic means. When requested by the data subject, the information may be provided orally, provided that the identity of the data subject is proven by other means.

"

Can I share your reply with my lawyer?

Can I share your reply with a not-for-profit body, organisation or association? as per Article 67 Representation of data subjects

Thanks for your time

Best regards

[REDACTED]

El vie, 16 jun 2023 a las 14:42, SUPERVISION (<supervision@edps.europa.eu>) escribió:

Dear Sir,

Please find attached a letter signed electronically on behalf of Mr T. ZERDICK for the above mentioned subject.

Kind regards,

SUPERVISION & ENFORCEMENT UNIT



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