

**From:** [REDACTED]  
**To:** [REDACTED]  
**Sent at:** 15/05/24 12:16:20  
**Subject:** Our ref.: 2022-1189 - D(2024) 1552 - Closure of Case 2022-1189

Dear [REDACTED],

We are writing to you with regard to the follow up on the Review Decision on your complaint against EPSO submitted on 16 November 2022 (Case 2022-1189).

In paragraph 6.17 of his Review Decision of 31 October 2023, the EDPS issued the following order to EPSO: **'Therefore, the EDPS under Article 58(2)(d) of the Regulation hereby ORDERS EPSO to comply with the complainant's request to be granted access to all his log data, the time and the purpose of each access generated by consultation operations of his EPSO profile in the context of the four EPSO selection procedures to which he participated, where available'.**

We have carefully analysed EPSO's reply to you of 30 November 2023, and its further clarifications provided by letter of 3 May 2024. The EDPS concludes that EPSO has provided you with the logs generated by consultation operations of your EPSO profile that it had in its possession. This means that EPSO has complied with the EDPS order to grant you access to all your log data available in the systems used for the purpose of managing selection procedures.

In light of the above, the EDPS has decided to **close Case 2022-1189**.

An action for annulment against this decision can be brought before the Court of Justice of the European Union, within two months from its adoption and according to the conditions laid down in Article 263 TFEU.

Kind regards,

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**EDPS Secretary General**

 | Tel. (+32) 228 31900 | Fax +32(0)22831950 |  
Email [edps@edps.europa.eu](mailto:edps@edps.europa.eu)  
**European Data Protection Supervisor**  
Postal address: Rue Wiertz 60, B-1047 Brussels  
Office address: Rue Montoyer 30, B-1000 Brussels  
[@EU\\_EDPS](https://twitter.com/EU_EDPS) [www.edps.europa.eu](http://www.edps.europa.eu)

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### 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](mailto: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 ([EDPS-DPO@edps.europa.eu](mailto: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](https://edps.europa.eu/data-protection/our-role-supervisor/complaints-handling-data-protection-notice_en)

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**From:** [REDACTED]  
**Sent:** 06 May 2024 10:32  
**To:** SUPERVISION <[supervision@edps.europa.eu](mailto:supervision@edps.europa.eu)>; European Data Protection Supervisor <[EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu)>  
**Cc:** ZERDICK Thomas <[thomas.zerdick@edps.europa.eu](mailto:thomas.zerdick@edps.europa.eu)>; ROSSIGNOL Olivier <[olivier.rossignol@edps.europa.eu](mailto:olivier.rossignol@edps.europa.eu)>; CERVERA NAVAS Leonardo <[leonardo.cerveranavas@edps.europa.eu](mailto:leonardo.cerveranavas@edps.europa.eu)>; WIEWIOROWSKI Wojciech <[wojciech.wiewiorowski@edps.europa.eu](mailto:wojciech.wiewiorowski@edps.europa.eu)>  
**Subject:** Re: Our ref.: 2022-1189 - D(2024) 1094 - Webform submission from: Complaint form sent on 13 February 2024 - to be linked with Case 2022-1189  
**Importance:** High

Dear SUPERVISION and EDPS,

Please find attached EPSO's reply. Not a single one of my requests have been fulfilled

From your Monitoring and enforcing compliance with Regulation (EU) 2018/1725[1]:

Example: a person complains that an EUI unlawfully withheld personal data it held about her when replying to a request for access to one's own personal data under Article 17 of the Regulation. Following an on-site check, the EDPS decision establishes that the EUI indeed unlawfully withheld the data and orders it to provide a complete reply to the complainant by a specified deadline. **The EUI fails to comply with the order by that deadline. This is a situation in which the EDPS may decide to impose a fine.**

From EDPB's guideline on right of access[2]:

Example 6: On the occasion of replying to an access request a controller realises, that an application of the data subject for a vacancy in the company of the controller has been stored beyond the retention period. **In this case the controller cannot delete first and then reply to the data subject that no data (concerning the application) is processed. It has to give access first and delete the data afterwards.** In order to prevent a subsequent request for erasure it would then be recommended to add information about the fact and time of the deletion.

**Can you please schedule a video conference to assess EPSO's reply? Not a single one of my requests have been fulfilled**

Thanks for your time

Best regards

[1] [https://www.edps.europa.eu/sites/edp/files/publication/20-05-08\\_monitoring\\_and\\_ensuring\\_compliance\\_en.pdf](https://www.edps.europa.eu/sites/edp/files/publication/20-05-08_monitoring_and_ensuring_compliance_en.pdf)

[2] [https://edpb.europa.eu/system/files/2023-04/edpb\\_guidelines\\_202201\\_data\\_subject\\_rights\\_access\\_v2\\_en.pdf](https://edpb.europa.eu/system/files/2023-04/edpb_guidelines_202201_data_subject_rights_access_v2_en.pdf)

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[REDACTED]

[REDACTED]  
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El vie, 3 may 2024 a las 16:27, [REDACTED] escribió:

Dear Supervision, EDPS,

Thank you for your email of 03/4/2024:

"[...]The EDPS has contacted EPSO seeking clarifications on your allegations and on their reply to you of 30 November 2023 regarding Case 2022-1189.

We will inform you accordingly.[...]"

The deadline to reply to my DSR (after two holding replies) expired yesterday 2/5/2023.

Can you please inform me accordingly about your findings? My complaint is from 13/2/2024

Thanks for your time

Best regards

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[REDACTED]  
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El mié, 3 abr 2024 a las 17:33, SUPERVISION (<[supervision@edps.europa.eu](mailto:supervision@edps.europa.eu)>) escribió:

Dear [REDACTED],

Thank you for your email of 26 March 2024 regarding your complaint against EPSO submitted on 13 February 2024 concerning your access request and alleged data breaches (linked to Case 2022-1189).

The EDPS has contacted EPSO seeking clarifications on your allegations and on their reply to you of 30 November 2023 regarding Case 2022-1189.

We will inform you accordingly.

Kind regards,

S&E Secretariat on behalf of Thomas Zerdick, Head of Unit

	<b>SUPERVISION &amp; ENFORCEMENT UNIT</b>   Tel. (+32) 228 31900   Fax +32(0)22831950   ›  Email <a href="mailto:Supervision@edps.europa.eu">Supervision@edps.europa.eu</a>  <b>European Data Protection Supervisor</b> Postal address: Rue Wiertz 60, B-1047 Brussels Office address: Rue Montoyer 30, B-1000 Brussels  <a href="https://twitter.com/EU_EDPS">@EU_EDPS</a> <a href="http://www.edps.europa.eu">www.edps.europa.eu</a>
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**From:** [REDACTED]  
**Sent:** 26 March 2024 11:35  
**To:** SUPERVISION <[supervision@edps.europa.eu](mailto:supervision@edps.europa.eu)>  
**Subject:** Re: Webform submission from: Complaint form sent on 13 February 2024 - to be linked with Case 2022-1189  
**Importance:** High



Dear SUPERVISION,

I provided you with the video (certified by a third party digital witness) by emails of 15/3/2023

I lodged this complaint on 13/2/2024 and I haven't received any meaningful information in accordance with Article 67, and investigate, to the extent appropriate, the subject matter of the complaint **and inform the complainant of the progress and the outcome of the investigation within a reasonable period, in particular if further investigation or coordination with another supervisory authority is necessary;**"

**I have been trying to get access to my logs since 20/06/2022** without success and EPSO has deleted my data (hereinafter, 'The purge') instead of providing me with the logs.

'The purge' is basically two personal data protection breaches that should have been thoroughly investigated:

1. EPSO was storing applicant's data far beyond any reasonable date. Some data was from 2006 as seen on the Request for review Eg: EPSO/TA/IT/06 IT Temporary Agents IT from 2006.
2. EPSO/EUIPO instead of providing the logs and the data decided to purge applicant's data and claim compliance.

**\* Has EPSO informed the EDPS about the two data breaches?**

**\* Has the EDPS informed already other competent EU bodies? eg: EUROPOL, EPPO, OLAF, ENISA, CJEU, etc.**

**\* Is the EDPS investigating this data protection mess?** Please note that I haven't brought EPSO to court (yet) to allow the EDPS enough time to investigate the matter without triggering the Article 16(6) of the EDPS Rules of Procedure provides that the EDPS 'shall suspend the investigation of a complaint pending a ruling by a court or a decision of another judicial or administrative body on the same matter'.

**\* Is the EDPS ordering EPSO to comply with all my requests as a data subject?** specially the restore of my deleted data and the object and restriction rights that are on my Letter sent by email of 1/02/2023 (LetterAfterRevisedDecision-ANNEXES-signed.pdf) to EPSO with the EDPS in CC and attached to the complaint. form.

**\* As per Mr Zerdick comment on his LinkedIn** "Note that the [#EUDPR](#) does not allow the EDPS to immediately impose an administrative fine, but only when an EU institution, body, office, or agency fails to comply with an EDPS order." **Is EDPS fining EPSO for not complying with its order to comply with my request and providing me the logs?**

I requested the logs on 20/06/2022 to be used in my (future at that time) court applications against EUIPO. I have gone to court without any single line of logs:

**\* Case T-221/23**

**\* Case T-1138/23**

Please see Article 22a and 22b of the [Staff Regulations](#):  
"Article 22

**1. Any official who, in the course of or in connection with the performance of his duties, becomes aware of facts which give rise to a presumption of the existence of possible illegal activity, including fraud or corruption, detrimental to the interests of the ► M128 Union ◀ , or of conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of officials of the ► M128 Union ◀ , shall without delay inform either his immediate superior or his Director-General or, if he considers it useful, the Secretary-General, or the persons in equivalent positions, or the European Anti-Fraud Office (OLAF) direct.[...]" (bold added by me).**

I would like to remind you of [https://anti-fraud.ec.europa.eu/olaf-and-you/report-fraud\\_en](https://anti-fraud.ec.europa.eu/olaf-and-you/report-fraud_en)

"

[...] EU staff members reporting fraud

**If you are an EU staff member you have an obligation to report possible cases of fraud, corruption, other illegal activity, or professional conduct which may constitute a serious failure to comply with the obligations of EU staff members.**

You can either inform a member of management in your institution or OLAF about your suspicions. If you want to inform OLAF directly, please follow the steps described above, under the heading [How to report to OLAF](#).

[...]

Deleting personal data needed for two court cases (future at that time) is quite a possible case of **fraud, corruption, other illegal activity, or professional conduct which may constitute a serious failure to comply with the obligations of EU staff members.**

I have provided evidence of the manipulation of my personal data (certified by a third party digital witness) while EPSO has claimed compliance.

**I will gladly have a video conference with the EDPS to provide more evidence of EUIPO's many wrongdoing**

Thanks for your time.

Best regards

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[Redacted signature]  
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El jue, 7 mar 2024 a las 16:30, [Redacted] escribió:

Dear SUPERVISION,

Please do not forget the two data breaches and the video certified by a third party witnessI provided by email of 21/02/2024

Thanks for your time.

Best regards

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[Redacted signature]  
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El jue, 7 mar 2024 a las 15:38, SUPERVISION (<[supervision@edps.europa.eu](mailto:supervision@edps.europa.eu)>) escribió:

Dear [REDACTED],

The EDPS acknowledges receipt of your complaint submitted through the online complaint form on 13 February 2024 against EPSO regarding your access request to your logs.

**The file will be linked to your complaint case number 2022-1189.**

The EDPS will assess your complaint of 13 February 2024 (below) as well as EPSO's reply sent to you on 30 November 2023 regarding the EDPS order of 31 October 2023 that EPSO provide you access to all your log data, the time and purpose of each access.

We will inform you accordingly in due time.

Yours sincerely,

	<b>SUPERVISION &amp; ENFORCEMENT UNIT</b>   <a href="tel:+3222831900">Tel. (+32) 228 31900</a>   Fax +32(0)22831950   ›  Email <a href="mailto:Supervision@edps.europa.eu">Supervision@edps.europa.eu</a>  <b>European Data Protection Supervisor</b> Postal address: Rue Wiertz 60, B-1047 Brussels Office address: Rue Montoyer 30, B-1000 Brussels  <a href="https://twitter.com/EU_EDPS">@EU_EDPS</a> <a href="https://www.edps.europa.eu">www.edps.europa.eu</a>
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From: European Data Protection Supervisor <[edps-edps@fpis.tech.ec.europa.eu](mailto:edps-edps@fpis.tech.ec.europa.eu)>

Sent: 13 February 2024 12:08

To: SUPERVISION <[supervision@edps.europa.eu](mailto:supervision@edps.europa.eu)>

Subject: Webform submission from: Complaint form

<p>Submitted on Tue, 02/13/2024 - 12:00</p>

<p>Submitted values are:</p>

1. Are you:

(a) personally affected by the issue(s) at stake in your complaint

2. Which EU institution, body, office or agency do you wish to complain about?

European Personnel Selection Office

3. Please describe your complaint and specify which personal data protection rule(s) you believe have been infringed by the EU institution, body, office, or agency concerned.

EPSO, In the context of case 2022-1189 and court case T-546/23 hasn't provided any EUDPR or Pankki compliant logs.

By email of 1/02/2023 (LetterAfterRevisedDecision-ANNEXES-signed.pdf

EDPS was in CC) I informed EPSO that the provided logs were not compliant and also informed it about a Data Breach (hereinafter 'The purge'). 'The purge' is basically two personal data protection breaches that should have been thoroughly investigated:

1. EPSO was storing applicant's data far beyond any reasonable date. Some data was from 2006 as seen on the Request for review Eg: EPSO/TA/IT/06 IT Temporary Agents IT from 2006.



2. EPSO/EUIPO instead of providing the logs and the data decided to purge applicant's data and claim compliance.

As a matter of fact I already informed the EDPS about the same very Data Breach by emails of 1/04/2023 , 21/04/2023 (Annexes 2023-04-01\_Correo de [REDACTED] - Our ref. 2022-1189 - D(2023) 0200.pdf and 2023-04-21\_Correo de [REDACTED] - Our ref. 2022-1189 - D(2023) 0200.pdf

). It seems that the EDPS didn't understand the emails properly as no action was taken at that moment.

I also included the deletion of my personal data on my request for review but the EDPS ignored it again.

I have a certified (by a third party witness eGarante) web session from 15/05/2022 where the purged application EUIPO/CAST/1/16 - 6 – INFORMATION TECHNOLOGY/PROJECT MANAGEMENT SPECIALIST - Function Group IV (FG IV) can be seen. The log clearly state that the web session was from 15/05/2022

2022-05-15 09:49:39.820571 <https://europa.eu/epso/application/passport/login.cfm?islo=true>

2022-05-15 09:50:01.203219 <https://europa.eu/epso/application/base/index.cfm>

2022-05-15 09:50:01.203219 [https://europa.eu/epso/application/cv\\_new/index.cfm](https://europa.eu/epso/application/cv_new/index.cfm)

2022-05-15 09:50:04.413404 <https://europa.eu/epso/application/passport/index.cfm?action=pdplegal>

I cannot provide the PDF nor the video as the complaint form only allows me to upload 3 files with less than 3MB. I will provide them by email when I receive your reference number by email

4. Please explain what you would like the EU institution, body, office, or agency to do in order to remedy the alleged violation.

EPSO has ignored all my attempts to get access to the logs even after being ordered to comply with my request by the EDPS.

EPSO has ignored my request to inform me (as a data subject) and to the EDPS the two data breaches from my letter from 1/02/2023 (LetterAfterRevisedDecision-ANNEXES-signed.pdf EDPS was in CC)

5. When did you become aware of the alleged violation?

2023-04-01

6. If you have supporting documents to substantiate your claim, please upload them here.

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[https://www.edps.europa.eu/system/files/webform/complaint\\_form/11901/screenshot\\_before\\_afterthepurge\\_1.pdf](https://www.edps.europa.eu/system/files/webform/complaint_form/11901/screenshot_before_afterthepurge_1.pdf)

• [https://www.edps.europa.eu/system/files/webform/complaint\\_form/11901/2023-04-21\\_correo-de-\[REDACTED\]--our-ref.-2022-1189---d%282023-0200\\_0.pdf](https://www.edps.europa.eu/system/files/webform/complaint_form/11901/2023-04-21_correo-de-[REDACTED]--our-ref.-2022-1189---d%282023-0200_0.pdf)

• [https://www.edps.europa.eu/system/files/webform/complaint\\_form/11901/2023-04-01\\_correo-de-\[REDACTED\]--our-ref.-2022-1189---d%282023-0200\\_0.pdf](https://www.edps.europa.eu/system/files/webform/complaint_form/11901/2023-04-01_correo-de-[REDACTED]--our-ref.-2022-1189---d%282023-0200_0.pdf)

7. Have you already contacted the EU institution, body, office or agency you want to complain about concerning

the alleged violation?

Yes

Please provide details, including the reply of the EU institution, body, office or agency.

EPSO has ignored all my attempts to get the logs and has deleted my data. The EDPS has already all the supporting documents and emails shared between me and the EPSO.

8. Have you submitted the same matter to other bodies (Court of Justice, European Ombudsman, etc.)?

No

9. Your Name

Please note:

If you are a lawyer acting on behalf of a client, please enter your client's name here, not yours - please enter your details under "contact information" below and attach a power of attorney.

If you are a not-for-profit body, organisation or association, please enter your client name here, not yours - please enter your details under "contact information" below and attach a mandate from the individual.

First name(s)

[REDACTED]

Family name(s)

[REDACTED]

10. Contact information

[REDACTED]

[REDACTED]

11. E-mail address

[REDACTED]

The EDPS treats all complaints confidentially. However, the investigation of your complaint may require disclosing your identity and the allegations you made to the EU institution, body, office, or agency against which you complained. If necessary for the investigation, the identity of the third parties involved, including national data protection authorities may be disclosed. The EDPS will also copy the Data Protection Officer (DPO) of the EU institution, body, office or agency concerned into all correspondence between the EDPS and the EU institution, body, office or agency concerned. Any public summaries of cases (e.g. in the Annual Reports of the EDPS) will be completely anonymous.

12. Do you accept this standard confidential treatment of your complaint?

Yes

13. Do you agree that your complaint may be passed to another institution, body, office or agency (European or national), if the EDPS is not competent?

Yes

14. I acknowledge having read and understood the Data protection notice.

Yes