

Data protection statement¹ on the processing of personal data in the organisation of meetings between Legal Affairs and the Institute of Professional Representatives before the European Patent Office (epi)

Protecting your privacy is of the utmost importance to the European Patent Office (EPO). We are committed to protecting your personal data and ensuring respect for data subjects' rights when performing our tasks and providing our services. All data of a personal nature that identify you directly or indirectly will be processed lawfully, fairly and with due care.

The processing operations described below are subject to the EPO Data Protection Rules ([DPR](#)).

The information in this statement is provided in accordance with Articles 16 and 17 DPR.

Principal Directorate 5.2 Legal Affairs (PD 5.2) holds regular meetings with representatives from the Institute of Professional Representatives before the EPO (epi) to discuss the co-operation between the EPO and the epi. This data protection statement relates to the processing of personal data during the organisation of these meetings.

1. What is the nature and purpose of the processing operation?

When a meeting is being organised, an electronic file may be opened in the Case Management System (CMS). Legal Affairs will provide details of the meeting to other EPO participants and collect all necessary information from the participants by email, including agenda items, schedule, etc. All correspondence is saved in the CMS. Following the meeting, the minutes are distributed by email.

Personal data are processed to organise and facilitate the meetings, record the key conclusions in the form of minutes, notes or reports, and to distribute them to participants and, as the case may be, to the management of the EPO.

The processing is not intended to be used for any automated decision-making, including profiling.

Your personal data will not be transferred to recipients outside the EPO which are not covered by Article 8(1), (2) and (5) DPR unless an adequate level of protection is ensured. In the absence of an adequate level of protection, a transfer can only take place if appropriate safeguards have been put in place and enforceable data subject rights and effective legal remedies for data subjects are available, or if derogations for specific situations as per Article 10 DPR apply.

2. What personal data do we process?

The following categories of personal data are processed:

- identification and contact details (mainly name, email address, phone number, position in the EPO/epi)
- information related to the meeting:
 - o personal data included in exchanges
 - o agenda, minutes, list of participants
 - o other information, such as written contributions and documents shared
 - o in the case of an in-person meeting, possibly dietary requirements

¹ Version July 2022.

3. Who is responsible for processing the data?

Personal data are processed under the responsibility of PD 5.2 Legal Affairs.

Personal data are processed by the EPO staff from Directorate 5.2.3 Institutional Affairs, Legal and Unitary Patent Division, specifically staff from the Legal Division involved in organising the meeting referred to in this statement.

External contractors involved in providing and maintaining services necessary for the organisation and hosting of these meetings such as Microsoft, Thomson Reuters and Zoom, may also process personal data, which can include accessing it.

4. Who has access to your personal data and to whom are they disclosed?

Personal data can be accessed by the EPO staff working in Directorate 5.2.3 Institutional Affairs, Legal and Unitary Patent Division, specifically staff organising the meeting from the Legal Division.

Personal data may also be shared with the internal and external participants in the meeting and members of the hierarchy of the EPO with responsibility for the Legal Division.

Personal data may be disclosed to third-party service providers providing and maintaining services necessary for organising and hosting these meetings, such as Microsoft, Thomson Reuters and Zoom.

Personal data will only be shared with authorised persons responsible for the necessary processing operations. They will not be used for any other purposes or disclosed to any other recipients.

5. How do we protect and safeguard your personal data?

We take appropriate technical and organisational measures to safeguard and protect your personal data from accidental or unlawful destruction, loss or alteration and unauthorised disclosure or access.

All personal data are stored in secure IT applications in accordance with the EPO's security standards. Appropriate levels of access are granted individually only to the above-mentioned recipients.

For systems hosted on EPO premises, the following basic security measures generally apply:

- user authentication and access control (e.g. role-based access control to the systems and network, principles of need-to-know and least privilege)
- logical security hardening of systems, equipment and network
- physical protection: EPO access controls, additional access controls to data centre, policies on locking offices
- transmission and input controls (e.g. audit logging, systems and network monitoring)
- security incident response: 24/7 monitoring for incidents, on-call security expert

In principle, the EPO has adopted a paperless policy management system; however, if paper files containing personal data need to be stored on EPO premises, they are locked in a secure location with restricted access.

For personal data processed on systems not hosted on EPO premises, the EPO has carried out a privacy and security risk assessment. The providers processing the personal data have committed in a binding agreement to comply with their data protection obligations under the applicable data protection legal frameworks.

These systems are required to have implemented appropriate technical and organisational measures, such as:

- physical security measures, access and storage control measures, securing data at rest (e.g. by encryption)
- user, transmission and input control measures (e.g. network firewalls, network intrusion detection system (IDS), network intrusion protection system (IPS), audit logging)
- conveyance control measures (e.g. securing data in transit by encryption)

6. How can you access, rectify and receive your data, request that your data be erased, or restrict/object to processing? Can your rights be restricted?

You have the right to access, rectify and receive your personal data, not to be subject to a decision based solely on automated processing, to have your data erased and to restrict and/or object to the processing of your data (Articles 18 to 24 DPR).

The right to rectification can only apply to inaccurate or incomplete factual data processed in the context of the EPO's tasks, duties and activities; it does not apply to subjective statements, including ones made by third parties.

If you would like to exercise any of these rights, please write to DPOexternalusers@epo.org if you are an external data subject; otherwise contact the delegated data controller at pdlegalaffairs-dpl@epo.org. In order to enable us to respond more promptly and precisely, you always need to provide certain preliminary information with your request. We therefore encourage you to fill in this [form](#) (for externals) or this [form](#) (for internals) and submit it with your request.

We will reply to your request without undue delay and in any event within one month of receipt of the request. However, Article 15(2) DPR provides that this period may be extended by two further months where necessary in view of the complexity and number of requests received. We will inform you of any such delay.

7. What is the legal basis for processing your data?

Personal data are processed on the basis of Article 5 DPR:

(a) processing is necessary for the performance of a task carried out in the exercise of the official activities of the European Patent Organisation or in the legitimate exercise of the official authority vested in the controller, which includes the processing necessary for the Office's management and functioning.

8. How long do we keep your data?

Personal data will be kept only for the time needed to achieve the purposes for which they are processed.

Personal data necessary for the organisation of meetings are kept until the next meeting has been organised.

The list of attendees and non-anonymised minutes are kept for 10 years after the meeting.

Possible archiving activities are addressed in a separate data protection statement.

In the event of a formal appeal/litigation, all data held at the time the formal appeal/litigation was initiated will be retained until the proceedings have been closed.

9. Contact information

If you have any questions about the processing of your personal data, external data subjects can write to the delegated data controller at DPOexternalusers@epo.org, and EPO employees can write to pdlegalaffairs-dpl@epo.org.

Internals may also contact our Data Protection Officer at dpo@epo.org, while externals may contact our Data Protection Officer at DPOexternalusers@epo.org.

Review and legal redress

If you consider that the processing infringes your rights as a data subject, you have the right to request review by the controller under Article 49 DPR and, if you disagree with the outcome of the review, the right to seek legal redress under Article 50 DPR.