

## **Data protection statement<sup>1</sup> on the processing of personal data in the organisation of the joint seminar between the European Patent Office and the Community Plant Variety Office**

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.

As part of the cooperation between the EPO and the Community Plant Variety Office (CPVO), as agreed in an Administrative Arrangement between the EPO and CPVO, Principal Directorate PD 5.2 Legal Affairs (PD 5.2) and in particular D 5.2.1 Patent Law organises and conducts bilateral virtual seminars involving representatives of both Offices, in order to share knowledge and working practices on plant-related patents and plant variety rights. This data protection statement relates to the processing of the personal data in the organisation of these joint seminars.

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

Personal data is processed in order to organise the meeting, such as sending invitations, distributing the agenda, the meeting report etc. Each meeting leads to opening of an electronic file in the case management system (CMS) of PD 5.2, which is used to assign a case handler for the organisation of the meeting and to save information related to it. Paper documents containing personal data may also be printed

Personal data are processed in order to organise and facilitate the meetings between the EPO and CPVO. These meetings serve to implement the Administrative Arrangement and annual workplans with a view to streamlining international initiatives with impact on the Patent Grant Process (PGP), foster a holistic approach to IP training and awareness, further develop trust and collaboration between the two organisations.

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, and position in the EPO or CPVO)
- Information related to the meeting
  - o agenda, minutes, list of participants
  - o any information, written and oral contributions, documents shared with the joint seminar

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<sup>1</sup> Version July 2022.

- personal data included in exchanges

### **3. Who is responsible for processing the data?**

Personal data are processed under the responsibility of PD 5.2.

Personal data are processed by the EPO staff from D 5.2.1 Patent Law organising the joint seminar, and PD 0.2 Communication who assist with hosting the joint seminar.

External contractors involved in providing and maintain the services needed to organise and host these joint seminars such as Microsoft and Thomson Reuters 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 is accessed by EPO staff working in D 5.2.1 Patent Law organising this joint seminar.

Personal data may also be disclosed on a need-to-know basis to EPO staff members from D 5.2.2 European and International Affairs, PCT and PD 0.2 Communication involved in the meeting. Personal data may also be disclosed on a need-to-know basis to the CPVO.

Personal data may be disclosed to third-party service providers for providing and maintaining the services and platforms necessary to organise and host the joint seminar such as Microsoft and Thomson Reuters.

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 datacentre, 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 a 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. The EPO has also carried out a privacy and security risk assessment.

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 the delegated data controller at [DPOexternalusers@epo.org](mailto:DPOexternalusers@epo.org) for external data subjects. EPO employee data subjects should contact [pdlegalaffairs-dpl@epo.org](mailto:pdlegalaffairs-dpl@epo.org). 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 it is processed.

Personal data will be deleted/stored on the following basis:

- Personal data associated with the practical organisation of the joint seminar are kept as long as necessary for the organisation of the seminar, usually a year, or for longer in the context of the cooperation agreement.
- Contact details of participants are kept to facilitate the organisation of the next meeting until a person is no longer participating.
- Personal data associated with the meeting file created in the CMS, including minutes and reports, are kept for the duration of the Administrative Arrangement, and twenty years after that.

This retention period applies without prejudice to possible archiving (archiving activities are addressed in a separate 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, or for the period described, whichever is longer.

## **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](mailto:dpoexternalusers@epo.org), and EPO employees can write to [pdlegalaffairs-dpl@epo.org](mailto:pdlegalaffairs-dpl@epo.org).

Internals may also contact our Data Protection Officer at [dpo@epo.org](mailto:dpo@epo.org), while externals may contact our Data Protection Officer at [DPOexternalusers@epo.org](mailto: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.