

Data protection statement¹ on the processing of personal data in the context of the selection of members of the Standing Advisory Committee to the European Patent Office (SACEPO)

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.

The SACEPO and its specialist working parties are composed of user representatives appointed by the President of the EPO. Some of them are nominated by user associations upon the EPO's request, the other members are directly identified and appointed by the EPO. This data protection statement concerns the processing of personal data by the EPO in the selection and appointment process for members of the SACEPO and its working parties.

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

The SACEPO secretariat collects the information provided by the candidates themselves or by IP stakeholders/associations and prepares the file for the deliberation and decision-making process. Successful candidates are informed via an official letter. Former members who have not been re-appointed are informed by email. Other unsuccessful candidates are informed indirectly through publication of the list of newly appointed SACEPO members on the SACEPO and EPO webpages. All information is stored in a dedicated SACEPO mailbox, and paper files may also be prepared and stored in the archive room(s) of the SACEPO secretariat.

Personal data are processed for the following purposes:

- selection of members of the SACEPO and its specialist working parties, in such a way that the user groups are as representative as possible of the stakeholder groups which the Office would like to consult and of society as a whole
- publication of appointments
- providing the SACEPO secretariat with a pool of potential candidates for subsequent selection rounds

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 such an adequate level of protection, your personal data will only be transferred 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?

We process the following categories of personal data:

¹ Version June 2022

- identification and contact details (mainly name, phone number, email address and nationality)
- information related to the candidate's professional background (mainly from the candidate's CV including education, employment history, professional memberships and current job title)
- information pertaining to the selection process (mainly related to EPO employees' input to the deliberation and decision-making process)
- any other information provided in the course of exchanges

3. Who is responsible for processing the data?

Personal data are processed under the responsibility of PD 5.2 (Legal Affairs) in its capacity as delegated controller.

Personal data are processed by the EPO staff from Directorate 5.2.2 (European and International Legal Affairs, PCT) involved in managing the selection of members of the SACEPO and its working parties.

External contractors involved in providing and maintaining the tools necessary to conduct the selection procedure also process personal data, which may include accessing them. This includes Microsoft and OpenText.

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

Personal data is accessed by the EPO staff working in Directorate 5.2.2 (European and International Legal Affairs, PCT) involved in the selection of members of the SACEPO and its working parties.

Personal data will also be disclosed to the EPO hierarchy with responsibility for the selection of SACEPO members and, as the case may be, with other EPO employees and internal stakeholders of the SACEPO on a strictly need-to-know basis.

Personal data may be disclosed to and processed by third-party service providers for providing and maintaining the tools necessary to conduct the selection procedure, which may include accessing those data. This includes Microsoft.

The list of successful candidates is published on the internet.

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 party.

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 and 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 to the systems and network, need-to-know and least-privilege principles)
- logical security hardening of systems, equipment and the network
- physical protection: EPO access controls, additional access controls to the 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 operates a paperless policy management system. However, if paper files containing personal data do need to be stored on EPO premises, they are locked in a secure location with restricted access.

Providers processing personal data on systems not hosted on EPO premises are subject to a privacy and security risk assessment. They have committed in a binding agreement to comply with their data protection obligations under the applicable data protection legal frameworks.

These providers 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 means of encryption); user, transmission and input control measures (e.g. network firewalls, network intrusion detection system (IDS), network intrusion protection system (IPS), audit logging) and conveyance control measures (e.g. securing data in transit by means of 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?

As a data subject 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 those made by third parties.

In order to exercise any of these rights, external data subjects should write to DPOexternalusers@epo.org, while EPO employees should write to 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 receiving it. 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?

We process personal data on the basis of Article 5(a) DPR, where "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. For 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 will be deleted/retained on the following basis:

- Personal data processed during the selection process are kept for as long as the data subjects are members of the SACEPO or its working parties.
- Personal data of former members or candidates not appointed serve as a pool of potential candidates and are deleted four years after the last completed selection process.
- Names and basic identification information of all SACEPO members are kept by the EPO for historical reasons.

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

In the event of a formal appeal/litigation, all data held when the formal appeal/litigation was initiated will be retained until the proceedings have been concluded or for the time described above, whichever period is the longer.

9. Contact information

If you have any questions about the processing of your personal data, please write to the delegated data controller at pdlegalaffairs-dpl@epo.org. If you are an external user, please write to DPOexternalusers@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.