

Data protection statement¹ on the processing of personal data for the selection of members of the Disciplinary Board of the EPO

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 Office must select and appoint the members of the Disciplinary Board of the EPO, in accordance with the Regulation on discipline for professional representatives, Article 9(2). This data protection statement describes the related processing operations.

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

This data protection statement explains the way in which personal data are processed during the procedure to select the members of the Disciplinary Board of the EPO.

The members of the Disciplinary Board of the EPO are appointed by the President of the Office for a period of three years. The Disciplinary Board consists on the one hand of legally qualified members of the EPO and on the other hand of professional representatives proposed by the epi (Institute of Professional Representatives). At the end of the selection process, the newly appointed members are notified via an Appointment Letter. The epi is informed of the appointed professional representatives, and the full list of appointments is published in the EPO Official Journal.

The processing of personal data is necessary to select and appoint the members of the board of the EPO, in accordance with the Regulation on discipline for professional representatives, Article 9(2). This encompasses:

- the publication of appointments
- use of the contact data of the appointed members for the organisation of meetings of the Disciplinary Board of the EPO
- ensuring legal certainty with regard to the lawfulness of the selection procedure of the EPO
- providing the Office with a pool of potential internal and external candidates for the next selections

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 that 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, 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.

¹ Version June 2022.

2. What personal data do we process?

The following categories of personal data are processed:

- for external data subjects:
 - o contact information (work email address, contact details, home address, personal email address, phone numbers)
 - o professional experience and affiliations (CV, professional memberships)
 - o correspondence (any personal information provided voluntarily)
 - o personal identification (nationality, full name)
 - o employment information (company entity, office location)
- for data subjects who are EPO employees:
 - o contact information (work email address, contact details)
 - o personal identification data (full name, nationality)
 - o employment information (room number, job title of role)
 - o Professional Experience and affiliations (CV)

3. Who is responsible for processing the data?

Personal data are processed under the responsibility of PD Legal Affairs (PD 5.2) acting as the EPO's delegated data controller.

Personal data are processed by the EPO staff involved in dealing with the selection process, from the Institutional Law, Legal and Unitary Patent Division (D 5.2.3).

External contractors involved in providing tools necessary for organising the selection of the members of the Disciplinary Board of the EPO, such as Microsoft and OpenText, 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 are disclosed on a need-to-know basis to the Chief International and Legal Officer and/or VP 5 and the President of the Office.

Personal data may be disclosed to third-party service providers that provide tools used during the selection process.

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.

The data of the members of the Disciplinary Board contained in the full list of appointments published in the EPO Official Journal are publicly disclosed and freely accessible on the internet.

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 the 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 restricted access.

For personal data processed on systems not hosted on EPO premises, 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); 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 of your data? 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. The right to erasure does not apply where the legal obligation on the controller (e.g. to maintain the list of professional representatives) requires the processing of personal data. Your right to rectification applies only to factual data processed as part of the selection procedure.

If you would like to exercise any of these rights, please write to the delegated data controller (PDLegalAffairs-DPL@epo.org); for externals, please write to DPOexternalusers@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.

According to the Decision of the President of the European Patent Office dated 13 December 2021 concerning the processing of personal data in patent-grant and related proceedings, in case of conflict, the provisions of the EPC, including its Implementing Regulations and any other provisions applicable to it, and the PCT, including its Regulations and any other provisions and established practices applicable under it, will prevail over the Data Protection Rules. To this end, any data subject rights under the DPR apply only to the extent that they do not conflict with the provisions of the EPC and its Implementing Regulations and, where applicable, the PCT legal framework.

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 the following legal bases:

- Article 5(a) DPR: 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 (e.g. the publication of the details of the members of the Disciplinary Board of the EPO, and the organisation of meetings of the Disciplinary Board of the EPO).
- Article 5(b) DPR: processing is necessary for compliance with a legal obligation to which the controller is subject (e.g. the selection of members of the Disciplinary Board of the EPO)

Personal data are processed on the basis of the following legal instrument:

- Regulation on discipline for professional representatives (OJ EPO 1978, 91, OJ EPO 2008, 14), Article 9

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.

For unsuccessful candidates, all personal data are deleted after three years.

For successful candidates, personal data will be retained for ten years. If any case handled by a Disciplinary Board member appointed via this procedure is subject to litigation, the personal data of that Disciplinary Board member shall be retained for five years after the end of the litigation, should this be longer than the alternative ten-year retention period.

In the event of a formal appeal/litigation on data protection grounds related to this processing operation, 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, please write to the delegated data controller at pdlegalaffairs-dpl@epo.org; for externals, 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 believe that the processing infringes your rights as a data subject, you have the right to request a 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.