



EUROPEAN COMMISSION

## **PROTECTION OF YOUR PERSONAL DATA**

**This privacy statement provides information about the processing and the protection of your personal data.**

**Processing operation:** Consumer Protection Cooperation

**Data Controller:** JUST.DDG.E.3

**Record reference:** [DPR-EC-05646.1](#)

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## **1. Introduction**

The European Commission (hereafter ‘the Commission’) is committed to protect your personal data and to respect your privacy. The Commission collects and further processes personal data pursuant to [Regulation \(EU\) 2018/1725](#) of the European Parliament and of the Council of 23 October 2018 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 (repealing Regulation (EC) No 45/2001).

The information in relation to processing operation “Consumer Protection Cooperation” undertaken by Unit E3 “Consumer enforcement and redress” within Directorate General for Justice and Consumers of the European Commission is presented below.

Consumer protection cooperation (CPC) is a cooperation and coordination mechanism of national public authorities responsible for the cross-border enforcement of EU consumer protection laws (the “CPC network”) and the Commission. The current CPC framework functions on the basis of Consumer Protection Cooperation (CPC) Regulation (EU) 2017/2394 (“CPC Regulation”) that was preceded by Regulation (EC) No. 2006/2004 that established the CPC network.

The objective of the CPC framework is to ensure effective enforcement in cases of cross-border infringements of EU consumer law. Certain information exchanges between the single liaison offices, competent authorities of Member States, Iceland and Norway, the Commission and other actors with a specific role under the CPC Regulation (“CPC actors”) and the documents related to these exchanges are streamlined and stored in a secure online case-handling database. This case-handling database has been implemented as a module of the Internal Market Information System (IMI) and is managed and maintained by the European Commission pursuant to Article 35 of the CPC Regulation (“CPC IT tool”).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

## **2. Why and how do we process your personal data?**

JUST.DDG.E.3 collects and uses your personal data to exercise its tasks in the information exchanges within the CPC framework that are technically facilitated by the CPC IT tool.

The CPC IT tool allows CPC actors to communicate and interact with each other pursuant to the CPC Regulation in a structured manner by using standard forms for communication exchanges that fall within the scope of:

- the mutual assistance mechanism (Articles 11-14 CPC Regulation),
- notification of alerts and other information relevant for the detection of EU consumer law infringements (Article 26 and 28 CPC Regulation),
- external alerts (Article 27 CPC Regulation), and
- coordinated investigation and enforcement mechanism for widespread infringements and for widespread infringements with a Union dimension (“coordinated actions”; Articles 15-23 CPC Regulation).

All information exchanged between CPC actors are stored and processed only for the purposes of identification and bringing about cessation of infringements of EU consumer law that protect consumers’ interests as defined in the Annex to the CPC Regulation.

The CPC IT tool ensures that access for CPC actors is restricted to the cooperation modules and functionality for which they need access in order to fulfil their obligations under the CPC Regulation.

Data will not be used for any automated decision-making, including profiling or for direct marketing.

### **3. On what legal ground(s) do we process your personal data**

We process your personal data, because:

- a) Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body;
- b) Processing is necessary for compliance with a legal obligation to which the controller is subject.

**The basis for the processing has been laid down in the following Union law:**

- Regulation (EU) 2017/2394 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004;
- Commission Implementing Decision (EU) 2019/2213 of 20 December 2019 laying down the practical and operational arrangements for the functioning of the electronic database established pursuant to Regulation (EU) 2017/2394 of the European Parliament and of the Council as respects certain communications under that Regulation;
- Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ( 'the IMI Regulation' ) and
- Commission Implementing Decision (EU) 2019/2212 of 20 December 2019 on a pilot project to implement certain administrative cooperation provisions set out in Regulation (EU) 2017/2394 of the European Parliament and of the Council on cooperation between authorities responsible for the enforcement of consumer protection laws by means of the Internal Market Information System

### **4. Which personal data do we collect and further process?**

In order to carry out this processing operation, JUST.DDG.E.3 collects and processes the following categories of personal data:

- Personal data of persons who are subjects of an information exchange relating to infringements or suspected infringements of consumer protection legislation under the CPC Regulation: name of the trader, if it contains personal data, name/surname, job title, email address, telephone number or other contact details of the trader's legal representatives, executives or other contact person (employee of the trader or other), if necessary for communication exchanges between the trader and the CPC network

Except for the trader's name, which can but very rarely actually contains personal data, these personal data categories are recorded in the system only where necessary (the field is

optional). The Commission or other CPC actors do not exchange such personal data on a regular basis. Such information is collected and further processed only if necessary for the purposes of identification and bringing about cessation of infringements of EU consumer law (in the Annex to the CPC Regulation). The need for such processing is assessed on a case-by-case basis for each information exchange.

In principle, the Commission does not seek to collect or otherwise process other personal data. However, in exceptional cases, evidence substantiating national investigations attached to the case file can contain traces of other personal data. The CPC user who uploads the attachment indicates if the attachment contains personal data or not. Therefore, a case-by-case assessment of the necessity of such personal data in the information exchange is carried out already at the moment of uploading of the document.

This pre-check allows for better control and limitation of the collection and further processing of personal data as a strict necessity test (to prove infringements or to bring about the cessation or prohibition of such infringements) is applied. Furthermore, recipients of such data are limited to the relevant case handlers of concerned Member States, Iceland and Norway, the Commission, if taking part in the exchanges, and authorised staff of the European Banking Authority, when acting as an observer for coordinated actions as regards Directives 2014/17/EU and 2014/92/EU pursuant to Article 23(3) of the CPC Regulation.

The processing of personal data of IMI users is governed by the [IMI Regulation](#) and the related DPO record [DPR-EC-00373](#) and [Privacy Statement](#).

#### **5. How long do we keep your personal data?**

JUST.DDG.E.3 only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing.

Traces of personal data of other individuals that are essential for the cases in the CPC IT tool are stored in the electronic database for no longer than is necessary for the purposes for which they were collected and processed. In any case, this data is not to be stored in the CPC IT tool for longer than 5 years following the day of the events as stipulated under Article 35(3) of the CPC Regulation. Such traces can include personal data of traders' representatives that are subject to information exchanges in the CPC IT tool, or other individuals whose personal data can be in the attachments to the case files initiated in the system.

#### **6. How do we protect and safeguard your personal data?**

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored on the servers of the European Commission. All processing operations are carried out pursuant to the [Commission Decision \(EU, Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

In order to protect your personal data, the Commission has put in place a number of technical and organisational measures in place. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

In addition, each user must implement organizational security measures applicable to the processing of personal data in accordance with national legislation. In particular, appropriate security measures must be applied to personal data extracted from and further processed outside the CPC IT tool (e.g. in a printed report or otherwise archived outside the CPC IT tool).

#### **7. Who has access to your personal data and to whom is it disclosed?**

The authorised staff of the Commission has access to the personal data that are strictly necessary to carry out its tasks set out in the CPC Regulation. If a case is open under the CPC framework, this data is transferred to authorised enforcement officials and case handlers working for competent authorities and single liaison offices of the concerned Member States, Iceland and Norway. Such staff abide by statutory, and when required, additional confidentiality agreements.

The personal data contained in the CPC IT tool will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

#### **8. What are your rights and how can you exercise them?**

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing, and the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a) and (b) on grounds relating to your particular situation.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

If you believe that your personal data are processed as a part of an information exchange in the CPC IT tool that has been initiated by a CPC actor other than the Commission, and you would like to have access to your personal data or have it deleted or rectified, you may do so by contacting the CPC actor with whom you had contacts. You can also contact any other CPC actor (including the Commission) that was involved in the cooperation procedure concerning you. If you are not satisfied with the answer received, you may either contact another CPC actor involved or lodge a complaint with your data protection authority. A list of data protection authorities is available at the following address: [http://ec.europa.eu/justice/data-protection/bodies/authorities/index\\_en.htm](http://ec.europa.eu/justice/data-protection/bodies/authorities/index_en.htm)

Please be aware that in some cases national or EU law may contain exceptions to your right to have access to your personal data, or to have them corrected or deleted.

## **9. Contact information**

### **- The Data Controller**

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, you can contact the Data Controller, Unit E3 "Consumer enforcement and redress" within Directorate General for Justice and Consumers of the European Commission at [just-e3@ec.europa.eu](mailto:just-e3@ec.europa.eu).

### **- The Data Protection Officer (DPO) of the Commission**

You may contact the Data Protection Officer ([DATA-PROTECTION-OFFICER@ec.europa.eu](mailto:DATA-PROTECTION-OFFICER@ec.europa.eu)) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

### **- The European Data Protection Supervisor (EDPS)**

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

## **10. Where to find more detailed information?**

The Commission Data Protection Officer (DPO) publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You may access the register via the following link: <http://ec.europa.eu/dpo-register>.

This specific processing operation has been included in the DPO's public register with the following record reference: [DPR-EC-05646.1](#)

The record reference [DPR-EC-00373.2](#) contains information on the Commission's data processing operations related to the registered users of the CPC IT tool, the technical support, maintenance and security of the IT infrastructure for IMI. For details, please see the record.