



EUROPEAN COMMISSION

PROTECTION OF YOUR PERSONAL DATA

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

Processing operation: Decide (information system supporting the Commission decision-making process)

Data Controller: Secretariat-General, Directorate B, Unit SG.B4

Record reference: DPR-EC-00107.

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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).

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.

The information in relation to processing operation “Decide” (information system providing a single entry point and comprehensive overview of the Commission decision-making process) undertaken by the Secretariat-General of the European Commission (unit SG.B.4) is presented below.

All Commission departments process personal data under this processing operation as they participate in the Commission’s decision-making process through Decide. They act as (de facto) controllers for the personal data they encode and upload in Decide and for the personal data to which they actively grant access through Decide.

The processing of documents including personal data in Decide for the purpose of decision-making is often a processing activity forming an integral part of the original processing operation under which the personal data were collected and processed in the first place. Consequently, the processing of personal data for the purpose of the original processing operation is not covered by the present record.

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

Purpose of the processing operation: The Data Controller collects and uses your personal information to automate and generally increase the efficiency of Commission decision-making procedures and the related handling of documents.

The processing activities under this processing operation include:

- SEARCH: a full-text indexation is performed by the system enabling a search on the file title and the content of documents;
- MyFILES: the system keeps a list of files marked as favourites by the user and a list of files recently accessed by the user. This information is only visible to the user;
- MyTASKS: the system checks the user profile to see if the user has the rights to perform the action in the planning, consultation, decision or replies part of Decide;
- MyTOOLS: this functionality can produce lists and statistics by DG about the management of files in the decision-making process. The lists can include names of Cabinet or Commission staff involved in the management of the files;
- PLANNING part: Planning and validation of Commission initiatives involving the personal data of Commission staff dealing with the initiative planned by the Commission and Cabinet members for the political validation;
- CONSULTATION part: Consultation of all Commission departments concerned on the draft text for all documents requiring a decision by the College and for staff working documents. Data subjects are staff members involved in the interservice consultation;

- DECISION part:
 - Submission of documents by authoring services, electronic distribution to Cabinets and electronic transmission to the other Institutions and the Publications Office. Data subjects are responsible Commission staff;
 - Transmission of acts and keeping proof of it: If the recipients are the other institutions or bodies, the application sends the act to the e-TrustEx platform which is an interinstitutional platform where institutions can fetch documents. If the recipients are individual persons or other legal entities, the address and contact details are sent to the express courier service (DHL) and the acknowledgement of receipt is kept in the Decide Decision file. Exceptionally, the Commission could notify decisions addressed to third parties and citizens by e-mail and send emails to individual civil servants in national administrations;
- REPLIES part: Handling of Commission replies to Parliamentary Questions and Ombudsman's enquiries, from receipt of the question/enquiry until the adoption and sending of the answer;
- AUDIT TRAIL is kept for security and traceability reasons;
- ACCESS RIGHTS: Management and granting of user rights.

If you are the addressee of an adopted act/document as a natural or legal person (normally represented by a natural person acting on behalf of the organisation), the Commission notifies you via express courier service (DHL).

If the act is addressed to a natural person, the name and complete address must be mentioned in the operational part of the decision. This information is provided by the author of the act in the information sheet of the file in Decide Decision.

The address and contact details including the phone number are communicated to DHL via a web-interface under the framework contract between OIL and DHL (Contract OIL06/PO/2016/072). This data is processed within the remit of OIL/OIB. For further information on the processing necessary for the notification of adopted decisions and other acts to external individual persons or other legal entities, please refer to the corresponding processing operation '[Traitement du courrier](#)' (reference number DPO-1258) of the European Commission's Office for Infrastructure and Logistics in Brussels

The signed DHL acknowledgment of receipt (downloaded from the DHL website) is filed by unit SG.B.2 in the Decide Decision file.

In exceptional circumstances, such as the sanitary crisis related to COVID-19 pandemic, the Commission could notify decisions addressed to third parties and citizens by e-mail (and not via express courier service). The relevant email addresses are provided by the author of the act in the information sheet of the file in Decide Decision.

Further to the transmission/notification of acts done via the e-TrustEx platform to other institutions and bodies, including to the national administrations, the Commission could exceptionally, if circumstances require, send in parallel emails to individual civil servants in national administrations. The relevant email addresses are provided by the author of the act in the information sheet of the file in Decide Decision.

Decide also processes personal data of Members of European Parliament provided by the European Parliament in the context of replies to parliamentary questions (name, function, gender, country, civility and parliamentary group) as well as personal data in relation to replies to the European Ombudsman (complainant's name or the person submitting the complaint on behalf of the complainant; initials of the case handler in the office of the European Ombudsman provided by the Ombudsman in the context of Ombudsman's enquiries). However, the

processing of these personal data are covered by specific records of processing, namely 'Handling of parliamentary questions by the European Commission' (reference number: DPR-EC-02947) and 'Follow-up by the European Commission of European Ombudsman inquiries' (DPR-EC-00839).

The personal data processed may be reused for the purpose of procedures before the EU Courts, national courts, the European Ombudsman or the European Court of Auditor.

The personal data processed will not be used for any automated decision-making including profiling.

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 (Article 5(1)(a) of the Regulation 2018/1725);

(b) processing is necessary for compliance with a legal obligation to which the controller is subject (Article 5(1)(b) of the Regulation 2018/1725).

Processing of data and documents in Decide stems from a number of obligations and requirements, foreseen in the following acts:

- 1) Treaty on the Functioning of the European Union (ex. Articles 15 and 288) and the Treaty on the European Union (ex. Article 17);
- 2) Decisions taken under the programme for interoperability solutions for public administration, businesses and citizens, such as Decision (EU) 2015/2240 of the European Parliament and of the Council of 25 November 2015 establishing a programme on interoperability solutions and common frameworks for European public administrations, businesses and citizens (ISA2 programme) as a means for modernising the public sector;
- 3) Commission's Rules of Procedure, as amended in particular by Commission Decision C(2010) 1200 of 24 February 2010, including the annex to the Rules of Procedure containing provisions on electronic and digitised documents (Commission Decision 2004/563 of 7.07.2004);
- 4) Transmission of documents to the other institutions, which is governed either by the primary law (e.g. Article 304(1) and 307 (1), TFEU) and/or provisions of the secondary legislation (e.g. Articles 40 and 42 of Regulation (EU) 2018/1725) and/or an Interinstitutional Agreement (e.g. Framework Agreement on relations between the European Parliament and the Commission of 20.11.2010), as well as Commission's Rules of Procedure.
- 5) Notification of Commission decisions pursuant to the Treaty on the Functioning of the European Union (Article 297) and to Rules of Procedure.

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

In order to carry out this processing operation, the Data Controller collects the following categories of personal data relating to the Commission's staff and to data subjects outside the Commission:

Commission staff:

- Identification data (login, first name, last name);
- Specific role played in the Commission decision-making process;
- Contact details of Commission staff (e-mail address, telephone number, department, job title or function);
- User preferences (language chosen by the user for the user interface);
- List of favourites and recent files;
- User action log in the history of the file.

Contact details of Commission staff are extracted from COMREF, COMmon REference, the database centralising the complete Commission staff reference data, which is the official provider for human resources data for information systems of all functional domains.

User preferences and favourite files are voluntary provided by the user. Role, recent files and action logs are data specific to the processing operation and are needed for the functioning of the system.

Data subjects outside the Commission:

- Contact details of the addressees of the adopted act/document (name, function, postal address, e-mail address, telephone number), provided by the Commission service which is the author of the document;
- Information contained in the acknowledgments of receipts following postal delivery of the adopted act/document (contact details, handwritten signature of the addressee, delivery details such as date and time of delivery/pick up and shipment ID).
- [Contact details of civil servants/contact points in national administrations or other public bodies.](#)

Furthermore, on very rare occasions documents processed through Decide may contain other categories of personal data. It is the responsibility of the author entity (de facto controller) to ensure compliance with the rules and conditions of Regulation (EU) 2018/1725 and, for instance, if necessary, to limit visibility of the document (by asking the Registry to not communicate the document to Vista, limiting the access to the author DG, the Registry and the Cabinets).

5. How long do we keep your personal data?

We only keep your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for a retention period in accordance with the common Commission-level retention list for European Commission files (ref: SEC(2019) 900). It is a regulatory document in the form of a retention schedule that establishes the retention periods for different types of European Commission files. That list has been notified to the European Data Protection Supervisor.

The ‘administrative retention period’ is the period during which the European Commission departments are required to keep a file depending on its usefulness for administrative purposes and the relevant statutory and legal obligations. This period begins to run from the time when the file is closed.

The following retention periods apply to the different categories of personal data:

- Personal data contained in procedural files related to the adoption of acts: 2 years;
- Identification data (login, first name, last name) of the user: as long as the user has access to Decide;
- Contact details of Commission staff (e-mail address, telephone number, department, job title or function): as long as the person is an active staff member;
- Specific role played in the Commission decision-making process: as long as the specific role is exercised;
- User preferences (language chosen by the user for the user interface): as long as the user has access to Decide;
- List of favourites and recent files: as long as the user has access to Decide;
- Contact details of the addressees of the adopted act/document and information contained in the acknowledgments of receipts following postal delivery of the adopted act/document: 1 year;
- Personal data contained in files concerning the meetings of the Heads of Cabinet, the GRI and the College: term of the College;
- Personal data contained in files of transmitted legislative and non-legislative proposals and documents sent to other EU institutions and national Parliaments: 2 years;
- Personal data contained in files related to an Inservice Consultation: 5 years.

In accordance with the common Commission-level retention list, after the ‘administrative retention period’, files concerning decision-making process (and the personal data contained in them) have to be transferred to the Historical Archives of the European Commission for historical purposes and are kept for permanent preservation. For the processing operation concerning the Historical Archives, please see Record of Processing DPR-EC-00837 - Management and long-term preservation of the European Commission's archives (former notifications: DPO-3871-3 and DPO-2806).

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.

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

Access to your personal data is provided to the Commission staff responsible for carrying out this processing operation and to authorised staff according to the “need to know” principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

Decide being the corporate application managing the decision-making process for the Commission, it provides services and data to other information systems in the EU institutions:

- it sends information to WAVE (managed by REGIO) , RDIS2 (managed by DG AGRI), REGDEL (managed by SG), BRP (managed by SG), REGDOC (managed by SG); VISTA (managed by SG); POETRY (managed by DGT) ;

- uses corporate building blocks like EU-Login for user authentication, Hermes Repository Services for document storage or the corporate search engine for full-text search in public documents;
- uses e-TrustEx/eDelivery to send electronically documents to 92 external partners (National Parliaments, Permanent Representations, European Parliament, Council, Publications Office, etc.).

The processing by these information systems is either covered by the processing operation for which these personal data were originally collected and processed or by the processing operation of the systems themselves. Notifications of adopted acts/documents to natural or legal persons might occur outside the EU. This implies that the Commission sends this information outside the EU but solely and directly to the addressee (the natural person whose personal data are processed) in question, not to any other third party.

The information collected in the context of the decision-making process 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.

Pursuant to Article 3(13) of Regulation (EU) 2018/1725, public authorities (e.g. Court of Auditors, EU Court of Justice) which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients. The further processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

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) 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.

Any request for access to personal data will be handled within one month. Any other request mentioned above will be addressed within 15 working days. The period may be extended by two further months where necessary, taking into account the complexity and number of the requests.

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

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, please feel free to contact the Data Controller, using

the following contact information:

Unit SG.B4, Secretariat-General, European Commission:

SG-DECIDE@ec.europa.eu

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

You may contact the Data Protection Officer (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) 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-00107.