



EUROPEAN COMMISSION

PROTECTION OF YOUR PERSONAL DATA

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

Processing operation:

Follow-up by the European Commission of European Ombudsman inquiries

Data Controller:

Secretariat-General, Unit C2 ('Ethics, Good Administration and Relations with the European Ombudsman')

Record reference: *DPR-EC-00839*

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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.

This privacy statement concerns the processing operation ‘Follow-up by the European Commission of European Ombudsman inquiries’ undertaken by the Secretariat-General, Unit C2 (‘Ethics, Good Administration and Relations with the European Ombudsman’) (hereafter, the ‘Data Controller’) and other European Commission departments in the framework of European Ombudsman investigations triggered by citizen complaints about alleged maladministration by the European Commission as presented below.

In certain cases, enquiries of the European Ombudsman do not only concern the European Commission but also executive agencies of the EU. This may be the case if the European Commission needs to involve an executive agency for the handling of an enquiry, or if staff from the executive agencies are concerned by the enquiry. In these cases, the European Commission and the corresponding Executive Agency are joint controllers with regard to the processing of personal data involved in the handling of the European Ombudsman enquiry.

The European Commission and the executive agencies have signed a joint controllership arrangement that sets out the allocation of respective roles, responsibilities and practical arrangements between them for compliance with their data protection obligations under Regulation (EU) 2018/1725 as joint controllers. That arrangement is an arrangement within the meaning of Article 28(1) and (2) of Regulation (EU) 2018/1725. The essence of the arrangement is summarised under heading 11 at the end of this privacy notice.

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

Purpose of the processing operation:

The Data Controller(s) process(es) your personal information only to the extent that this is necessary to respond to requests for information, opinions and recommendations which the European Ombudsman may transmit to it in the framework of its investigations into alleged cases of maladministration by the European Commission and the executive agencies.

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

Some of the personal data processed are stored in the Commission’s document management system (for further information on the Commission’s document management system please refer to the processing operation ‘Management and (short- and medium-term) preservation of Commission documents’, reference number: [DPR-EC-00536](#)).

Your personal data 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; and

(b) processing is necessary for compliance with a legal obligation to which the Data Controller is subject.

The Union law which serves as the basis for the above-mentioned processing is:

- Articles 20, 24 and 228 of the Treaty on the Functioning of the European Union (TFEU), and especially Article 228 (1) TFEU which establishes that the Ombudsman may refer a matter of inquiry to the Commission;
- Article 43 of the Charter of Fundamental Rights of the European Union;
- The Ombudsman's status and duties were spelled out by Parliament in a decision of 9 March 1994 ('Ombudsman Statute', Decision 94/262/ECSC, EC, Euratom Official Journal L 113, 4.5.1994, p. 15 — amended by European Parliament decisions of 14 March 2002, Official Journal L 92, 9.4.2002, p. 13 and of 18 June 2008, Official Journal L 189, 17.7.2008, p. 25). The Ombudsman has adopted provisions implementing that decision.

To the extent a complainant provides in his/her complaint unsolicited personal data, including special categories of personal data if applicable, which are forwarded to the Commission (and to the executive agencies, if applicable) by the European Ombudsman, the processing thereof is based on the explicit consent of the complainant in accordance with Article 5(1)(d) of Regulation (EU) 2018/1725. Furthermore, the processing of special categories of personal data provided by the complainant may also be covered by the exception of Article 10(2)(g) of Regulation 2018/1725 ('processing is necessary for reasons of substantial public interest').

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

In order to carry out this processing operation, the Data Controller(s) and other Commission departments process(es) the following categories of personal data:

- The names and possibly contact details of European Commission staff and European Ombudsman staff and of complainants appearing in the correspondence between the European Ombudsman and the European Commission;
- Possibly also names, or other personal data, of other individuals referred to in that correspondence;
- The names of the European Commission staff members and Cabinet members, as well as executive agency staff (in case of enquiries handled jointly) involved in the handling of the complaints which appear in the specific European Commission database for handling European Ombudsman cases;
- The name and signature of the European Commission President and Members that may appear on European Commission replies to the European Ombudsman;
- Any other personal data, of European Commission staff, executive agency staff or other individuals (e.g. grant beneficiaries, stakeholders, expert groups members, etc.) whose processing may be necessary for the follow-up to a specific European Ombudsman inquiry;

- Any other personal data spontaneously provided by the complainant in his/her complaint, including possibly the personal data of individuals other than the complainant.

We have obtained the complainants' personal data from the European Ombudsman.

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 maximum period of five years after closure of the file. This retention period is in accordance with the Common Commission-level retention list for European Commission files¹. 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'² 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.

In accordance with the common Commission-level retention list, after the 'administrative retention period', files (and the personal data contained in them) can be transferred to the Historical Archives of the European Commission for historical and archiving purposes (for further information regarding the processing operation concerning the Historical Archives, please see record of processing 'Management and long-term preservation of the European Commission's Archives', registered under reference number [DPR-EC-00837](#)).

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. 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.

¹ [SEC\(2019\)900](#).

² During the administrative retention period, personal data are stored in the European Commission's document management system ARES and the information system supporting the European Commission decision-making process, DECIDE. Further information on the processing specific to these two systems can be found under the corresponding records of processing published in the European Commission DPO register, namely DPR-EC-00536 '[Management and \(short- and medium-term\) preservation of Commission documents](#)' and DPR-EC-00107 '[Decide \[information system supporting the Commission decision-making process\]](#)'.

These are notably the staff in the Secretariat-General, in the European Commission department which is the subject of the complaint and in the Legal Service, as well as their hierarchical superiors as appropriate; the European Commission President and the European Commission Member responsible for the Commission department concerned by the complaint; and staff in the respective Cabinets of the latter. Staff in European Union Delegations or in Executive Agencies concerned by the complaint may also obtain access to your data where necessary.

Your data may also be transmitted to authorised staff in the European Ombudsman's office to the extent this is necessary for the purpose of responding to requests by the latter. As regards the treatment of your personal data by the European Ombudsman office, please refer to their privacy policy.

The personal information we collect on the applicants who request access to documents will not be given to any other 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. Under certain conditions, 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.

Insofar the right to object to the processing of your personal data is concerned, the exercise of that right has to be based on grounds relating to your particular situation.

To the extent that the processing of your personal data is based on consent, namely the processing of personal data you provided spontaneously in your complaint and which were forwarded to the European Commission by the European Ombudsman, you can withdraw your consent at any time by notifying the Data Controller. Such withdrawal will not affect the lawfulness of the processing carried out before you have withdrawn the consent.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Commission's 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 one or several specific processing operations, please provide their description, namely the Record reference(s) as specified under Heading 10 below, in your request.

Any request for access to personal data will be handled within one month from receipt of your request by the Data Controller. Any other request mentioned above will be addressed within 15 working days.

9. Contact information

- The Data Controller

If you would like to exercise your rights under Regulation (EU) 2018/1725, 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 contact the Data Controller Unit SG.C.2 (Ethics, Good Administration and Relations with the European Ombudsman) in the Secretariat-General, via SG-UNITE-C2@ec.europa.eu.

- **The Data Protection Officer of the Commission**

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

- **The European Data Protection Supervisor**

You have the right to have recourse, i.e. you can lodge a complaint to the European Data Protection Supervisor via 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 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 Commission Data Protection Officer's public register with the following Record reference: DPR-EC-00839.

11. Joint Controllershship Arrangement with Executive Agencies

In certain cases, enquiries of the European Ombudsman do not only concern the European Commission but also Executive Agencies of the EU.

This may be the case if the European Commission needs to involve an Executive Agency for the handling of an enquiry, or if staff from the Executive Agencies are concerned by the enquiry. In these cases, the European Commission and the corresponding Executive Agency are joint controllers with regard to the processing of personal data involved in the handling of the European Ombudsman enquiry.

The European Commission and the Executive Agencies have signed a joint controllership agreement that sets out the allocation of respective roles, responsibilities and practical arrangements between them for compliance with their data protection obligations under Regulation (EU) 2018/1725 as joint controllers. That agreement is an arrangement within the meaning of Article 28(1) and (2) of Regulation (EU) 2018/1725.

Under the arrangement, each Party shall ensure and is responsible, with regard to the personal data processed by it in the framework of processing operations that it manages under its own responsibility or on behalf of other Parties as part of its coordinating responsibilities, for: ensuring compliance with Regulation 2018/1725.

In addition to this general responsibility, the Commission is specifically responsible for: processing of personal data during consultations of the executive agencies and of the relevant Commission services launched by it, and during the process of obtaining the agreement of the responsible Commissioner, where applicable; acting as the controller when it comes to security or design issues related to the development or operation of the Commission's and executive agencies' joint database for the handling of European Ombudsman enquiries, including the underlying information technology system. This includes: the appropriate handling of related data subject requests; ensuring the handling of related personal data breaches.

The executive agencies, on their part (in addition to the general, shared responsibility referred to above) are, individually and acting under their own responsibility, responsible for: the processing of personal data when sending correspondence emanating from the European Ombudsman and its services to the relevant parent Directorate-General and other Commission services; and the processing of personal data when replying to or communicating with the European Ombudsman and its services.