



EUROPEAN COMMISSION

PROTECTION OF YOUR PERSONAL DATA

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

Processing operation: *“Handling of parliamentary questions by the Commission”*

Data Controller: SG.DSG3.F.1 Relations with the European Parliament & Consultative Committees

Record reference: DPR-EC-02947.2

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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 privacy statement informs about the processing operation "*Handling of parliamentary questions in the Commission*" undertaken by the Secretariat-General, Unit.F.1 (Relations with the European Parliament & Consultative Committees) (hereafter, the 'Data Controller') and other European Commission departments involved in the management of parliamentary questions, as de-facto data controllers for specific parliamentary questions.

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

Purpose of the processing operation: The Data controller processes your personal information only to the extent that this is necessary to provide the European Parliament in good time with replies to parliamentary questions. The personal data may further be processed for statistical purposes and for archiving purposes in the public interest.

The processing operation starts upon receipt of the parliamentary question in the IT-tool DECIDE Replies. It is then processed in cooperation with other Commission departments to prepare and adopt a Commission reply that is then transmitted back via the same IT-tool to the European Parliament.

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.

Your personal data will not be used for an automated decision-making including profiling.

For further information on the processing specific to the Decide IT tool for decision-making, please see record of processing 'Decide (information system supporting the Commission decision-making process) - DPR-EC-00107'.

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 referred to in points (a) and (b) has been laid down in Article 230(2) of the Treaty on the Functioning of the European Union.

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

In order to carry out this processing operation the Data Controller and other Commission departments processes the following categories of personal data:

- The name, surname, gender, nationality/language, function, civility and political group of a Member of the European Parliament;
- The names and department of the European Commission staff members involved in the handling of replies to parliamentary questions, and, more specifically, the name, department and telephone number of the author of the reply;
- Any other personal data included in the question sent by the Member of the European Parliament. These may include special categories of personal data falling under Article 10 of Regulation (EU) 2018/1725 and personal data related to 'criminal convictions and offences' falling under Article 11 of Regulation (EU) 2018/1725. The processing by the Commission of special categories of personal data shall be lawful in accordance with at least one of the following conditions of Article 10(2) of Regulation (EU) 2018/1725:
 - (a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes
 - (c) the processing is necessary to protect the vital interests of the data subject or of another person where the data subject is physically or legally incapable of giving consent;
 - (e) the processing relates to personal data which are manifestly made public by the data subject;
 - (g) the processing is necessary for reasons of substantial public interest, on the basis of Union law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The processing of personal data related to 'criminal convictions and offences' is subject to the conditions of processing of Article 11 of Regulation (EU) 2018/1725.

It is the European Parliament that first processes special categories of personal data and personal data related to 'criminal convictions and offences' and subsequently submits these data, if applicable, to the Commission and publishes the parliamentary question. The European Parliament informed the Commission that it has put in place appropriate safeguards for the rights and freedoms of data subjects in case the processing of personal data falling under Article 11 of Regulation (EU) 2018/1725 is necessary.

Furthermore, the Commission when processing special categories of personal data and personal data related to 'criminal convictions and offences' performs a check whether the personal data concerned have been made public already.

Any personal data apart from the name(s) of the Member of the European Parliament is being checked by the European Parliament before transmission to the Commission. The processing by the Commission of the personal data contained in parliamentary questions is carried out under its official authority and is necessary to comply with the legal obligation of Article 230(2) TFEU to reply to parliamentary questions.

5. How long do we keep your personal data?

The Data Controller only keeps 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 related to the parliamentary question.

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’ 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 concerning parliamentary questions (and the personal data contained in them) are transferred to the Historical Archives of the European Commission for historical purposes (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' published in the in the DPO's public register²).

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 are they disclosed?

Access to your personal data during 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.

Internally, the recipients of such data are the Directorates-General and services of the Commission and the cabinets of the Commissioners involved in the management of the parliamentary question. The recipients of the data outside of the Commission are the European Parliament and the Member of the European Parliament having delivered the question.

The question of the European Parliament and the final reply of the European Commission are publically available on the website of the European Parliament³.

Please note that pursuant to point (13) of Article 3 of Regulation (EU) 2018/1725, public authorities 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

¹ SEC(2019)900

² <http://ec.europa.eu/dpo-register>

³ <https://www.europarl.europa.eu/plenary/en/parliamentary-questions.html>

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.

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.

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 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.

In accordance with Article 14(3) of Regulation (EU) 2018/1725, your request as a data subject will be handled within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. In such case, you will be informed of the extension of the time limit, together with the reasons for the delay.

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, Secretariat-General, Unit.F.1 (Relations with the European Parliament & Consultative Committees) (SG-PARLIAMENTARY-QUESTIONS@ec.europa.eu).

- The Data Protection Officer (DPO) 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 (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-00686.