

PROTECTION OF YOUR PERSONAL DATA

Privacy statement concerning the processing of personal data in the framework of the implementation of the Code of Conduct for Members of the European Commission

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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 'Implementation of the Code of Conduct for Members of the European Commission' undertaken by the Secretariat-General, Unit C2 ('Ethics, Good Administration and Relations with the European Ombudsman', hereafter, the 'data controller')

and other European Commission services in the framework of the application of the Code of Conduct for Members of the European Commission (hereafter, the 'Code of Conduct')¹.

The Code of Conduct clarifies the ethical rules that apply to Members of the Commission under the Treaties on the European Union. Where explicitly specified in the Code of Conduct, the rules are also applicable to the candidate proposed for the position of President of the Commission, Commissioners-Designate and former Members of the Commission.

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

The data controller collects and uses your personal information for the purpose of ensuring the proper application of the Code of Conduct and providing advice and assistance on its implementation and related issues of transparency and accountability.

The Code of Conduct provides guidance on the duties and obligations of the Members of the European Commission deriving from the European Treaties, notably Article 17(3) of the Treaty on the European Union and article 245 of the Treaty on the Functioning of the European Union, and imposes specific requirements. These include notably: the submission of an annual declaration of interests; a specific procedure to avoid potential conflicts of interests; and authorisation procedures for external activities (including standing for European or national elections) and post-term of office activities.

The Code of Conduct furthermore establishes an Independent Ethical Committee which gives opinions on European Commission Members' post-mandate activities and on other ethical issues. Concerning the processing of personal data in relation to the members of the Independent Ethical Committee, please refer to the dedicated privacy statement published in the [DPO Register](#)².

The European Commission adopted the Code of Conduct by means of a Commission Decision of 31 January 2018².

The inclusion of Commissioners-Designate within the scope of the Code is based on point II.3, paragraph 2 of the Framework Agreement on Relations between the European Parliament and the European Commission³.

Based on Article 6(2) of the Code of Conduct, the European Commission also publishes an overview of mission expenses per Member covering all missions undertaken. This processing falls outside the scope of this record of processing since it is covered by a dedicated record of processing, namely 'Publication of (i) meetings with interest representatives held by Commissioners, their Cabinet members and Directors-General, and of (ii) an overview of mission expenses per Commissioner'⁴.

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

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

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

¹ Decision C(2018)700 final of 31 January 2018, Official Journal C 65 of 21 February 2018, page 7.

² Record reference: DPR-EC-00547.

³ Official Journal L 304 of 20 November 2010.

⁴ Published in the Register of the Commission DPO under reference number [DPR-EC-02047](#).

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 Union law that serves as basis for these grounds for lawful processing is:

- Article 17(3) of the Treaty on European Union and Article 245 of the Treaty on the Functioning of the European Union;
- Articles 3, 4, 8(2)(a) and (b), 9, 10, 11(2), 12 and 13 of Commission Decision of 31 January 2018 on a Code of Conduct for Members of the Commission Code of Conduct for the Members of the European Commission; and
- The Framework Agreement on relations between the European Parliament and the European Commission (point II.3, para 2 - OJ L304 of 20 November 2010).

4. Which personal data do we collect and process?

The personal data collected and further processed are those defined in Articles 3, 4, 8(2)(a) and (b), 9, 10, 11(2), 12(3) and 13 of the Code of Conduct, summarised hereafter:

- Name and surname of the European Commission Member;
- The following information concerning European Commission Members related to their respective declarations of interests:
 - o professional or other activities in the previous ten years;
 - o any current external activities of the Member;
 - o any financial interests (including those of spouses, partners or minor children)⁵ or real estate (with the exception of homes reserved for their exclusive use or that of their family) which might give rise to a conflict of interest;
 - o any entity in which the Member has an interest or for which he or she exercised a professional or other activity, unless specific conditions specified in Article 3(4)c) of the Code of Conduct are met;
 - o activities on which the Member has consulted the Secretariat-General or the President but which does not fall under the categories of obligatory information to be provided under the Code;
 - o membership of associations, political parties, trade unions, non-governmental organisations or other bodies, if their activities, in public or in private, are intended to influence the exercise of public functions;
 - o ongoing professional activities of the Member's spouse or partner.
- The above-mentioned information provided by the candidate proposed for the position of President of the Commission and Commissioners-Designate;

⁵ Pursuant to Article 3(4)(a) of the Code of Conduct for Members of the European Commission, European Commission Members are required to provide information, in their declarations of interests, on financial interests of minor children where those might be considered to be capable of giving rise to a conflict of interests. Former Members of the Commission are not required to provide information regarding spouse, partners or minor children. The Code of Conduct also specifies (section IV) that information regarding the financial interests of minor children is to be provided 'in principle'.

- Personal data pertaining to European Commission Members appearing in the opinions of the Independent Ethical Committee issued pursuant to the Code;
- Information regarding the following types of activities carried out during the Commission Member's mandate: honorary unpaid posts in foundations or similar bodies in the political, legal, cultural, artistic, social, sporting or charitable fields or in educational or research establishments, or regarding the provision of occasional unpaid courses in the interest of European integration;
- Information regarding the publication of a book by a European Commission Member;
- Information regarding Member's intended post-term of office activities;
- Information regarding Member's intended participation in national or European politics during their term of office;
- Members' handwritten signatures appearing on the Declarations of Interests, testifying the accuracy of the information provided;
- Information regarding possible infringements, by individual Members, of the Code of Conduct in the meaning of Article 13(3).

Publication of certain special categories of personal data (such as information on membership of associations, political parties, trade unions and non-governmental organisations) is based on Article 10(2)(g) of Regulation (EU) No 2018/1725 (processing is necessary for a reason of substantial public interest) and Article 3 and Annex 1 of the Code of Conduct.

5. How long do we keep your personal data?

The applicable retention period laid down in the common Commission-level retention list [SEC\(2019\)2900](#) is commensurate with the importance of the public function exercised by European Commission Members, and with the obligations deriving from that function. This includes the need for a higher level of accountability and scrutiny, including via replies to requests for information and access to documents where applicable.

In order to comply with these requirements the data controller keeps the data for a period of five years from the moment the rights and obligations of the (former) European Commission Member towards the European Commission have ended.

In accordance with the common Commission-level retention list, files (and the personal data contained in them) can subsequently be transferred to the Historical Archives of the European Commission for historical purposes (for the processing operations concerning the Historical Archives, please see record of processing DPR-EC-00837 Management and long-term preservation of the European Commission's Archives).

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

All data in electronic format (e-mails, documents, uploaded batches of data etc.) are stored on the servers of the European Commission; the operations of which abide by [Commission Decision \(EU, Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

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?

Personal data processed under this processing operation are only accessible 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.

The staff concerned are authorised staff in the Secretariat-General, in the Directorate-General for Human Resources and Security, in the Office for the Administration and Payment of Individual Entitlements (PMO), in the Legal Service, and, where appropriate, in other European Commission departments, as well as their hierarchical superiors; the President of the European Commission and staff in his/her Cabinet; and staff in the Cabinets of the respective Commissioners as appropriate.

In accordance with the provisions of the Code of Conduct, your personal data may also be transmitted to the Independent Ethical Committee established by the Code. Personal data collected as part of the annual declaration of interests of individual European Commissioner Members (Article 3 of the Code of Conduct), once validated, are published on Members' respective websites. As specifically envisaged in the Code of Conduct, machine-readable versions are also published.

The declarations of Commissioners-Designate are sent to the European Parliament with a view to the hearings that precede the appointment of a new College of Commissioners. This transfer of personal data to other EU institutions is permitted as it is necessary for the legitimate performance of tasks covered by the competence of the recipient.

The information collected will not be given to any other third party, except to the extent and for the purpose which may be required by law.

Please note that pursuant to Article 3(13) of the Regulation, 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) No 2018/1725, in particular the right to access your personal data and to rectify them in case they are inaccurate or incomplete. Under certain conditions, you have the right to restrict the processing of your personal data, to object to the processing and the right to data portability.

You can exercise your rights by contacting the data controller, or in case of conflict the Data Protection Officer and, if necessary, the European Data Protection Supervisor using the contact information given at point 9 below.

9. In accordance with Article 14(3) of Regulation (EU) No 2018/1725, your request as a data subject will be handled without undue delay and in any event within one month of receipt of the request. Under certain conditions, the period may be extended by two further months if

necessary, taking into account the complexity and number of the requests. In such case, we will inform you of the reasons for the delay. **Contact information**

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments or questions, any concerns or a complaint regarding the collection and use of your personal data, please feel free to contact the data controller using the following contact information:

The data controller:

- Unit SG.C.2 (Ethics, Good Administration and Relations with the European Ombudsman) in the Secretariat-General of the European Commission
- Phone number +32 2 2991111
- SG-UNITE-C2@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 publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You can access the register on the following link : <http://ec.europa.eu/dpo-register>.

This specific processing operation has been included in the public register with the following Record reference:

Record DPR-EC-00547 'Implementation of the Code of Conduct for Members of the European Commission'.
