



EUROPEAN COMMISSION

## **PROTECTION OF YOUR PERSONAL DATA**

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

**Processing operation:** *Management and (short- and medium-term) preservation of the Commission's documents*

**Data Controller:** *SG.C.1 - Transparency, Document Management & Access to Documents*

**Record reference:** *DPR-EC-00536*

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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 why the Commission processes your personal data, how 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 *“Management and (short- and medium-term) preservation of the Commission’s documents”*, undertaken by SG.C.1 – Transparency, Document Management & Access to Documents, as corporate controller, as well as by all other organisational entities of the Commission that conduct part of the processing under this processing operation (‘de facto controllers’).

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

The Commission collects and uses your personal data to respond to a number of essential needs of the institution:

- ensure business continuity in and accountability on the Commission activities by keeping appropriate documentation about them, and contribute to the transparency of Commission activities to the citizen;
- improve internal service quality with document management, collaboration and workflow features;
- preserve the institutional memory of the Commission, through long-term preservation of certain types of files for archiving purposes.

Managing and (temporarily) preserving (storing) documents (including personal data) is usually not why the personal data were collected and processed in the first place. The temporary storage of documents (and the personal data they contain) is a processing activity that is an integral part of the original processing operation under which the personal data were collected and processed in the first place. Such temporary storage follows a specific retention period in line with the Common Retention List<sup>1</sup> and the processing falls outside the present processing operation.

The processing under the present processing operation covers the processing activities that go beyond the storage of the content of documents and is necessary for the following specific reasons:

- Ensure that documents are authoritative records of the Commission by accompanying them by contextual data (so called ‘metadata’, including personal data such as names) that explicitly document their critical characteristics.

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<sup>1</sup> SEC(2022)400. The Common Retention List consists of a main document explaining the structure of the CRL retention schedule and the CRL retention schedule itself (both available at : [Register of Commission Documents - SEC\(2022\)400 \(europa.eu\)](#)).

- Ensure that documents are traceable (including by means of personal data such as names). The Commission needs to be able to clearly and definitely identify the documents it has written or received. It needs to be able to trace them throughout their lifecycle and manage them in the context in which they were written or received. For these related aspects, the processing of mandatory minimum metadata about the author and the addressee of a given document is necessary (Article 6 and 7 of Commission decision (EU) 2021/2121 on records management and archives).
- Ensure compliance with the Commission's rules for document transmission via electronic means (Article 9 of Commission decision (EU) 2021/2121 (internal and external transmission) and possibility to verify whether the electronic procedures used are valid (Article 11 of Commission decision (EU) 2021/2121). To achieve this, the processing of users' data (for example logs) via audit trails is necessary (for example to verify the lawfulness of the elimination of files or, in the context of administrative investigations, to verify who had access to a given document).
- Ensure that appropriate techniques and security measures are adopted to ensure IT security of the systems used for records management, including the maintenance and update of these systems.
- Enable access management and access control based on the predefined rights of users and owner departments of documents and on the level of accessibility to the documents themselves. To achieve this, the name of any Commission staff member may be processed and the Commission staff member who is granted access rights to the document concerned may access any personal data the document contains.
- Enable processing for archiving purposes in the public interest by organising and ensuring the transfer of files to the Commission's Historical Archives Service in line with the retention policies set out in the Commission's common retention list and specific retention list.

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;

(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:

- [Commission decision \(EU\) 2021/2121 on records management and archives](#) (referred to internally as Commission decision C(2020)4482).
- Implementing rules ([SEC\(2020\)800](#)) of Commission decision C(2020)4482.
- Common Commission-level retention list for European Commission files: SEC(2007)970, SEC(2012)713, SEC(2019)900 and SEC(2022)400.
- [Council Regulation \(EEC, Euratom\) No 354/83 concerning the opening to the public of the historical archives](#) of the European Economic Community and the European Atomic Energy Community, and more in particular the following articles:
  - Article 1(2)(a): *'Community archives' means all those documents and records of whatever type and in whatever medium which have originated in or been received by one of the institutions or by their representatives or servants in the performance of their duties, which relate to the activities of the*

*European Economic Community and/or the European Atomic Energy Community (hereinafter referred to as 'the European Communities').*

- *Article 7: 'Each institution shall transfer to the historical archives all documents and records contained in their current archives no later than 15 years after their date of creation. According to the criteria laid down by each institution pursuant to Article 9, there shall be an initial sorting process with the purpose of separating documents and records that are to be preserved from those that have no administrative or historical value.'*
- Regulation (EC) 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents, and more in particular the following articles:
  - *Article 2(3): 'This Regulation shall apply to all documents held by an institution, that is to say, documents drawn up or received by it and in its possession, in all areas of activity of the European Union.'*
  - *Article 11(1): 'To make citizens' rights under this Regulation effective, each institution shall provide public access to a register of documents. Access to the register should be provided in electronic form. References to documents shall be recorded in the register without delay.'*
- Article 41 of the Charter of Fundamental Rights of the European Union (Right to good administration);
- Article 15 of the Treaty on the Functioning of the European Union (*Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to documents of the Union's institutions, bodies, offices and agencies, whatever their medium*);
- Article 298 of the Treaty on the Functioning of the European Union (*'open, efficient and independent European administration'*).

The Commission may process the following special categories of personal data as listed under Article 10 of the Regulation:

- Data revealing racial or ethnic origin
- Data revealing political opinions
- Data revealing religious or philosophical beliefs
- Data revealing trade union membership
- Data concerning health
- Data concerning a natural person's sex life or sexual orientation

The title/description of documents and their content may contain any category of personal data. They may appear in files relative to human resources management, financial management, health management, management of disciplinary proceedings (identification data, financial data, HR data, medical data and social data).

The specific purposes of this record of processing for which special categories of personal data may be processed are:

- the ensuring of authoritative records (as explained above);
- the ensuring of traceability of files or documents by a full text search function, and in very exceptional cases
- the organisation and ensuring of the transfer of files to the historical archives.

Depending on the category of personal data processed and why the personal data were collected and processed in the first place, any of the following exceptions to the prohibition of the processing of special categories may apply:

- Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security
- 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
- Processing relates to personal data which are manifestly made public by the data subject
- Processing is necessary for the establishment, exercise or defence of legal claims or whenever the Court of Justice of the European Union is acting in its judicial capacity
- Processing is necessary for reasons of substantial public interest, on the basis of Union law which shall be proportionate to the aim pursued
- Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union law or pursuant to contract with a health professional
- Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care
- Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes

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

In order to carry out this processing operation, SG.C1 collects the following categories of personal data:

##### Personal data in the metadata accompanying documents and files:

- Mandatory minimum metadata in relation to the author and addressee of a given document: typically name and surname of the respective individuals and the department/body to which they belong;
- The title or subject of the document or file concerned may contain any category of personal data and typically reflects the title or subject indicated by the author of the document or the service responsible for managing the file;
- The title/brief description of the attachments of the document concerned may contain any category of personal data.

##### Personal data in the audit trail and workflow data:

- Name, surname, department, e-mail address of the author(s) or participant(s) involved in major records management actions at the level of metadata, documents, files or procedures (e.g. document signing, document transmission, responsibility for a given file or for transfer of a given file to the historical archives).

##### Personal data in access management and control data:

- Name, surname, department, e-mail address and individual access rights of a user may be processed.

##### Personal data in document content (to ensure authoritative records, for full text search and for the (organisation of the) transfer of files to the historical archives):

- The documents processed may contain any category of personal data that was provided by the person writing the document.

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

SG.C1 only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely:

- Personal data in mandatory metadata in relation to any document: namely metadata about the author and addressee of a given document (typically name and surname of the respective individuals and the department/body to which they belong), metadata about the title or subject of a given document, metadata about the attachments (brief description) and metadata in relation to the title of the file in which it is filed are kept indefinitely to ensure a) that the Commission can meet its legal obligations regarding public access to documents and concerning the opening to the public of its historical archives, b) that the validity of the electronic or digitised documents can be guaranteed for as long as they are stored, and c) that once these documents have been eliminated the Commission is still able to retrieve the documents' metadata to be able to explain that the documents have been eliminated and have evidence on the procedure followed.
- Personal data in audit trail and workflow data are kept indefinitely to ensure that the authors and participants in major records management actions at the level of metadata, documents, files or procedures can be identified even after elimination of the documents concerned.
- Personal data in access management and control data are kept for as long as the user works for the Commission.
- Personal data in document content are kept throughout the retention period, as defined in the common retention list, of the file in which the de-facto controller has filed the document.

## **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 either on the servers of the European Commission or of its contractors. All processing operations are carried out pursuant to [Commission decision \(EU, EURATOM\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

The Commission's contractors are bound by a specific contractual clause for any processing operations of your data on behalf of the Commission, and by the confidentiality obligations deriving from the General Data Protection Regulation in the EU Member States ('GDPR' [Regulation \(EU\) 2016/679](#)).

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.

Concerning the possible processing of special categories of personal data and other sensitive personal data, access is managed via a triple security: at level of metadata there is minimal encoding, at the level of a given document security markings are applied to restrict visibility and at the level of the files the access to a given file's content is restricted to people or services that have a need to know.

Access to your personal data in document content is given to those persons or organisations outside the Commission that are recipients of documents that have been sent in the context of its activities. The organisational entity responsible for the activity, as de facto controller, will share your personal data only when they are necessary in the context of the activity and in accordance with the rules and conditions of Regulation (EU) 2018/1725.

The European Commission may send a document to a recipient residing in any country outside the EU. Apart from the recipient's own personal data, the European Commission only discloses personal data to a recipient residing outside the EU if the conditions for an international transfer of Chapter V of Regulation (EU) 2018/1725 are met. It is the responsibility of the de facto controller responsible for the specific processing to ensure that the conditions of Chapter V of Regulation (EU) 2018/1725 are met.

The information we collect 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 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 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. 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.

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.

## **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 corporate Data Controller, SG.C1 at

[sg-edomec@ec.europa.eu](mailto:sg-edomec@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](mailto: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](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 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: <https://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-00536**.