

Privacy Statement - CPVO Online Application System

The protection of your privacy is of great importance to the Community Plant Variety Office ("CPVO" or "us" or "the controller") and we feel responsible for the personal data that we process on your behalf. Therefore, we are committed to respecting and protecting your data privacy rights.

The personal information we request from you ("the Data Subject", "Visitor" or "user" or "the applicant") will be processed in line with Regulation (EC) N° 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (hereinafter "Regulation (EC) 2018/1725").

The person responsible for the processing of the personal data is the Head of the Technical Unit and can be contacted by e-mail at dpc@cpvo.europa.eu.

1. What personal data do we process?

The requested data in the application form for Community Plant Variety right to the Community Plant Variety Office, which also contains personal data, are the following:

- Applicant`s name
- Official address
- Post code
- City
- Country
- Telephone (optional)
- Fax (optional)
- Email (*An e-mail address is compulsory: if data subject is a party to proceedings; also if it is the officially registered correspondence address; if an applicant has not appointed a representative; if, in case of co-applicants, the data subject is the first named applicant and based in the EU*),

-If there are any Procedural representative, his/her name, address, address for correspondence if it is different from official address, post code, city, country, email,

-Botanical taxon,

-Designation of the variety,

-Breeders' name, address, post code, city, country,

-Details of all other applications for plant variety rights or Official variety lists concerning this variety made in MS of the EU or outside the EU,

-Information concerning priority.

Please note that you have the option to upload the proof of payment (provided by your bank), which is confidential. This will help our accounting department to identify the payment of the application fee.

2. Why do we process your personal data?

The purpose is to process the applications for Community Plant Variety rights and exchange of information in relation to applications.

The processing of personal data is not intended to be used for any automated decision making, including profiling.

3. Who is responsible for processing the data?

The data is processed by the Technical Unit.

4. What are the legal bases and the ground for lawfulness of processing?

Your data are generally collected, stored and processed by the CPVO:

(i) for the performance of a task carried out in the public interest on the basis or in the exercise of official authority (article 5 (1)(a) of the Regulation (EC) 2018/1725, and in particular to process the applications for CPVR, and

(ii) in order to comply with a legal obligation to which we are subject (article 5 (1) (b)) of the Regulation (EC) 2018/1725. The right to collect and process personal data is foreseen, amongst others, in Articles 50, 87 and 88 and 89 of the CPVO's "Basic Regulation" (Council Regulation 2100/94 on Community Plant Variety Right) and amongst others, Articles 2 and 16 of the Proceedings Regulation (Commission Regulation 874/2009 as amended by Commission Implementing Regulation (EU) 2016/1448 of 1 September 2016)).

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

The CPVO ensures that the collected data are processed only by the staff responsible of the corresponding processing operations.

The personal data is not intended to be transferred to any third country.

6. How do we safeguard your personal data?

We implement appropriate technical and organisational measures in order to safeguard and protect your personal data from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to it.

Access to the online application system is provided only to registered users.

The servers kept in house are in a secured location, password protected and accessible only by authorized staff members.

7. How long do we keep your data?

In accordance with Article 2 of the "Decision of the President of the Office on the form of Registers kept by the Office, retention and the keeping of files including documentary evidence, publication of the Official Gazette", in case a title is granted, data will be kept for a period of 30 years from the expiry of the granted Community plant variety right.

Otherwise, it will be kept for a period of 10 years following the date of rejecting the application or the date of the withdrawal of the application or the date on which the Office informs the applicant that the Office considers the application abandoned.

8. How can you obtain access to information concerning you and, if necessary, correct it? How can you request access to and rectification or erasure of your personal data or restriction of processing or object processing? How can you withdraw consent, where processing of your personal data is based on consent?

You have various data privacy rights (described in more detail below) which you can exercise by sending us your request.

If you would like to request to obtain access to information concerning you and, if you think that it is necessary, to correct it, to request the erasure or restriction of processing of your personal data and/or object to processing of it; If you would like to request to receive the personal data concerning you in a structured, commonly used and machine-readable format and to transmit those data to another controller, you may contact us. In exercising your right to data portability, you also have the right to have your personal data transmitted to another controller, where technically feasible. More specifically:

Right to object: We are using your personal data because we believe that it is necessary for the performance of a task carried out in the public interest on the basis or in the exercise of official authority vested in the CPVO. In case you disagree with the processing of your personal data, based on the aforementioned lawful ground, you have the right to object, at any time.

Right to withdraw consent: You have the right to withdraw your consent at any time. If you exercise this right we will stop processing your personal data, which we were processing based on your previously given consent. However, there could be a different reason or legal basis, which will allow us to continue processing your personal data. In this case we will let you know. Withdrawal of consent does not affect the lawfulness of processing based on consent before its withdrawal.

Right to access: You have the right to access and confirm what personal data we hold about you, at any time.

Right to rectification: You also have the right to correct inaccurate personal data.

Right to erasure: You have the right to “erase” your personal data, when certain conditions apply.

Right to data portability: You have the right to receive your personal data, which we have collected from you based on your consent, from us and to transfer or have it transferred (where it is technically feasible) to another controller.

Right to restrict the processing: When certain conditions apply, you have the right to request that we restrict the processing activities relating to your personal data.

If you would like to exercise any of these rights, please send us your request. We will provide information on action taken on your request without undue delay and in any event 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. We shall inform you of any such extension within one month of receipt of the request, together with the reasons for the delay.

We cannot accept verbal requests (telephone or face-to-face).

Requests can be sent to the Controller by e-mail at dpc@cpvo.europa.eu.

9. Who should you contact if you have a question about the protection of personal data or in case you would like to lodge a complaint?

Should you have any queries in relation to the processing of your personal data, please address these to the data Controller, at the following email address: dpc@cpvo.europa.eu.

You may also consult the Data Protection Officer of the CPVO: dpo@cpvo.europa.eu.

Complaints, in cases where the conflict is not resolved by the Data Controller and/or the Data Protection Officer, can be addressed at any time to the European Data Protection Supervisor: edps@edps.europa.eu.