

Privacy Statement on appointing members of the CPVO BoA

1. Context and Controller

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

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

2. What personal data do we process?

The following data are collected:

- Name and surname
- Address,
- Email,
- Telephone number
- Organisation/Member State
- Current position,
- Legal and/or Technical field(s) of expertise
- Work experience including trainings followed which may be of interest,
- Length of service
- Language skills
- Professional reference from an examination office or specialized legal office in intellectual property
- A CV
- A written and signed declaration of independence and absence of interest
- Bank account information: name and address of the bank, IBAN number, account number, swift code

3. Why do we process your personal data?

To appoint qualified and skilled (legal or technical) members of the CPVO BoA and to pay the remuneration for the services provided as well as for the reimbursement of the expenses incurred by them during the performance of their duties.

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

- Commission Regulation (EC) No 1239/95, establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards proceedings before the Community Plant Variety Office, Article 11.
- The composition and the independence of the Boards of Appeal are described under articles 46 and 47 of Council Regulation (EC) No 2100/94.
- Article 5(1)(a) of the Regulation (EU) No 2018/1725.

5. Who is responsible for processing the data?

The data is processed by the Legal Unit.

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

The CPVO President, the selection panel, the Registrar of the BoA, the members of the CPVO Administrative Council.

- The BoA Registrar who receives and collects the applications, the CVs and the declaration of absence of conflict of interests,
- The CPVO President,
- The members of the selection panel which reviews the applications and adopts a short-list of approx. 20 candidates after having heard the candidates fulfilling the criteria indicated in the call for expression of interest.,
- The CPVO Administrative Council which appoints the members of the BoA.

7. How do we safeguard your personal data?

We are committed to implementing all reasonable and 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. These include measures to deal with any suspected data breach.

The physical personal files are locked in a cupboard accessed by the BoA Registrar. Access to electronic personal files within Docman is password secured and can be accessed by the BoA Registrar and IT administrators on the *need to know* basis only.

8. How long do we keep your data?

In accordance with the decision of the CPVO President of 1 September 2011, all working documents, in paper or electronic format, submitted to the CPVO in the framework of appointing members of the BoA shall be destroyed at the end of the appointment period, usually after 5 years.

In accordance with article 38(6) of the Financial Regulation, all financial personal data and supporting documents will be kept for a period of 5 years.

Personal data related to unsuccessful candidates to the appointment as BoA Members are destroyed after a retention period of 24 months from the date of the appointment decision.



9. How can you obtain access to information concerning you and, if necessary, rectify it? How can you request the erasure of your personal data or restriction of processing? How can you request to exercise your right to data portability? How can you withdraw consent, where processing of your personal data is based on consent?

You have various data privacy rights, which you can exercise by sending us your request.

You have the right to request to obtain access to information concerning you and, if you think that it is necessary to correct it. You have the right to request the erasure or restriction of processing of your personal data. You have the right to receive the personal data concerning you in a structured, commonly used and machine-readable format and the right to transmit those data to another controller. 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 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.

In case you wish to request access to your personal data, to verify which personal data we store on your behalf, have it modified, erased, restrict the processing, exercise your right to data portability, object to processing, please make use of the contact information mentioned, by explicitly and accurately describing your request.

In principle, we cannot accept verbal requests (telephone or face-to-face) as we may not be able to deal with your request immediately without first analysing it and reliably identifying you.

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

10. 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 concerning the processing of your personal data, please address them to the data controller, under the following mailbox: dpc@cpvo.europa.eu.

You may consult CPVO’s Data Protection Officer: 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

