

## **Privacy Statement concerning organisation and recording of the Oral Proceedings in Appeal proceedings, including the taking of evidence by the Board of Appeal in-vivo and by videoconference**

### **1. Context and Controller**

The personal information we collect from you ("the Data Subject") will be processed in line with Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals 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) No 2018/1725).

Your privacy is important to the Community Plant Variety Office ("CPVO" or "us" or "the controller") and we feel responsible for the data that we process on your behalf. Therefore, we are committed to respecting and protecting your personal data and ensuring the efficient exercising of your data subject's rights.

### **2. What personal data do we process and why?**

During the processing activities (organisation, recording, hearings and taking of pictures), the following data will be gathered:

- Username, name, surname, email, work telephone number, current function and language;
- Electronic identifying information: IP address, cookies, connection data and access times;
- Movie, pictures, video and sound recordings;
- Metadata used for the maintenance of the service provided;
- Any data as (potentially) processed in the context of file sharing for professional activities (e.g. message, image, files, voicemail, calendar meetings, contact and similar);
- When processing personal data during the organisation of meetings via MS Teams, this personal data is processed in accordance with the processing of personal data for the use of Microsoft Office 365 Desktop and Online applications; Regarding MS Teams, as part of the nature of a collaborative tool, additional personal data may be included in the information that is exchanged between the Office and its external users, such as messages, contacts, metadata used for the maintenance of the service provided.

Personal data are processed when organising and managing oral proceedings, taking of evidence and coordinating any required follow-up activities, as well as for accountability and communication/transparency purposes. This may include registration of participants to the oral proceedings and the taking of evidence, logistic support before and during the event, minutes taking and distribution of minutes, web-publication, and files sharing.

The purpose of taking photographs is for external and internal communication. This latter mainly refers to the internal blog "Staff news" on Sharepoint home page as well as historical archiving, whereas external purpose refers to the promotion of the CPVO on social media. Audio recording of oral proceedings and the taking of evidence is carried out for the purpose of drafting minutes.

In relation to the appeal proceedings and the taking of evidence before the Board of Appeal, parties to proceedings are entitled to make oral statements. After the remittal of the case, the Chairman of the Board of Appeal shall summon the parties to the appeal proceedings to oral proceedings.

Due to the outbreak of the COVID-19 pandemic, the Office has extended the use of 'Microsoft Teams' (MS Teams) as part of Microsoft Office 365, to organise virtual meetings and videoconferences remotely with internal and external stakeholders, including the members of the Board of Appeal, the parties to proceedings and their

procedural representatives attending oral proceedings and the procedures for the taking of evidence by and before the Board of Appeal.

In order to provide logistic support to the members of the Board of Appeal, the Registrar may share their personal data with hotels if accommodation arrangements are needed to participate in oral proceedings and the taking of evidence at the premises of the Office. Photographs of oral proceedings may be taken during the hearings and published for internal or external communication purposes (see above). At the beginning of the hearing, the Chairman will read a statement regarding the consent to the taking of photographs. The Chairman will also indicate that the hearing is recorded for the purpose of drawing up the minutes of the oral proceedings, as stated in the summons and that the parties to proceedings are not allowed to record the hearing themselves, either by video or sound recordings, when oral proceedings take place by videoconference using MS Teams.

### **3. What are the legal bases and the ground for lawfulness of processing?**

The legal basis for processing of data:

Art. 5.1 (a) of the Regulation (EC) No 2018/1725 (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 European institution or body).

Art. 5.1 (d) of the Regulation (EU) 2018/1725 (the data subject has given consent to the processing of his or her personal data for one or more specific purposes).

### **4. Who is responsible for processing the data?**

The processing of personal data is carried out under the responsibility of the Head of the Legal Service.

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

Data are disclosed to the following recipients:

Parties to the proceedings, Members of the Board of Appeal, Registrar to the Board of Appeal, the general public present in the hearing and IT administrators have an access on a need to know basis.

As regards photographs, the general public will have access through the external publication channels of the Office (e.g. promotion of the CPVO and in Twitter and LinkedIn accounts). CPVO Staff members will have access through internal channels (e.g. the blog "Staff News" on the internal network Sharepoint's home page or historical archiving).

As for MS teams, the personal data is disclosed, on a need to know basis, to the following recipients: CPVO Staff members and CPVO external users included in the MS Teams that is used for the exchange of information; CPVO IT Unit, and CPVO IT Unit's external service provider involved in the data processing necessary to provide the service. The IT assistant from Uplink will have access to data upon IT administrator request and supervision only when replacing IT administrator on site. Data might be disclosed to MS Teams' sub-contractors in order to provide maintenance, support or operation of the online service.

There are no proposed transfers of data to third countries. However, personal data regarding the use of MS Teams, albeit stored in EU according to the application configuration implemented by the CPVO, may be made available to subcontractors in other countries depending on the requirements for maintenance, support or operation of the online service.

### **6. How do we safeguard your personal data?**

The controller implements 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.

The access is restricted to the e-mail addressee.

The organisational structure includes defined responsibilities for the various aspects of data protection.



As regards Microsoft Office and MS Teams, Microsoft implements 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 them. Microsoft Office 365 has been configured to preserve confidentiality of the information you exchange by implementing encryption during all communications and in storage, and anonymous access is not authorised. Microsoft Datacentres are certified in several security standards, most notable ISO 27001, SOC 1 and SOC2, NIST Cybersecurity Framework (CSF), ISO 27017 and ISO 27018 Code of Practice for Protecting Personal Data in the Cloud. Microsoft has implemented several controls to ensure the availability of the information. Datacentres have physical and logical security monitoring measures. Finally, Microsoft has implemented a list of over 700 security controls in Microsoft' systems, servers and datacentres.

The data controller of this processing will monitor and verify the implementation of the required organisational and technical security measures necessary to ensure compliance with the Regulation (EU) No 2018/1725.

## 7. How long do we keep your data?

Documents stored in the Office electronic documents management system (e.g. 'Docman') are retained for an undefined period.

Personal information contained in Office secure files transfer platform are stored for 60 days.

Personal information contained in email exchange with the Office will be retained for 4 years.

Personal information contained in files stored on Sharepoint are retained for 10 years.

Sound recordings will be retained until the minutes of the oral proceedings or taking of evidence have been signed.

Personal information gathered by MS Teams will be stored in their premises for one year after the exchange activity is completed. Photographs retained for longer periods are only those related to hearings regarding ongoing proceedings. In this case, the personal data will not be kept longer than 10 years.

## 8. How can you obtain access to information concerning you and, if necessary, rectify it? How can you request the erasure of restriction of processing of your personal data and/or object to processing of it? How can you 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.

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 of 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.

**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 anytime.

**Right to withdraw consent:** You have the right to withdraw your consent at anytime by filing a request to the Controller at [dpc@cpvo.europa.eu](mailto:dpc@cpvo.europa.eu). If you exercise this right we will stop processing personal data, which we were processing on your previously given consent. However, there could be a different reason or legal basis, which 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 of rectification:** You have the right to correct inaccurate data.

**Right to erasure:** You have the right to erase your data.



**Right of 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 or withdraw the consent, 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 data Controller: Head of the Legal Service by email at [dpc@cpvo.europa.eu](mailto: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](mailto:dpc@cpvo.europa.eu).

You may also consult the CPVO's Data Protection Officer: [dpo@cpvo.europa.eu](mailto: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 anytime to the European Data Protection Supervisor: [edps@edps.europa.eu](mailto:edps@edps.europa.eu)

