

Privacy Statement on the processing of personal data in the context of Requests for Public Access to Documents of the CPVO

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 ("Regulation (EC) No 2018/1725" or "EUDPR").

Your privacy is important 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 personal data and ensuring the efficient exercising of your data subject's rights. The person responsible for the processing is the Head of the Legal service and can be contacted by e-mail at dpc@cpvo.europa.eu.

2. What personal data do we process?

The application form lists the necessary data to be provided by the person requesting access to documents of the CPVO, in order to proceed to the request for public access to documents. Some of the data are mandatory (marked with a star) and other categories of data can be provided on a discretionary basis. These data are collected and processed to contact the applicant and are the following:

- Name and Surname; Title;
- Organisation (not mandatory);
- Contact details (professional e-mail address; postal address; phone number).

Regarding the documents to which access can be granted, this includes the following data: a whole file, application form, technical questionnaire, proposal for a variety denomination, photographs, variety description, assignment, and others (to be specified by the public access requestor). Personal data such as name and surnames of applicant breeders and procedural representative (both if legal or natural persons) can be disclosed. Some other personal data, however, may be blanked out/blackened.

3. Why do we process your personal data?

Within the framework of the procedure for public access to documents of the CPVO, the Office processes compulsory personal data provided by the person requesting access to documents and needed to process the request. The Office may also process any other personal data submitted by the applicant in the request. In addition, the Office processes any personal data that may appear in the requested documents.

The purpose of the processing activity is to ensure the appropriate handling of requests for public access to documents under Regulation (EC) No 1049/2001. Such requests may be lodged by any citizen of the European Union and any natural or legal person residing or having its registered office in a Member State. It is a general duty of the Office to comply with Regulation 1049/2001, following Article 33a of Council Regulation (EC) No 2100/94. The personal data are collected to assess and to address the answer and/or the documents to the applicant.

The requests for public access to documents of the CPVO follow two types of procedures, the Initial application (the IA) and the Confirmatory application (the CA). The IA is defined as the first request an applicant will address to the Office. The CA consists of a petition of the applicant to the President of the Office to reconsider the total or partial refusal to grant access to documents contained in the IA.

With a view to address a request to the CPVO Registrar, the CPVO website provides an online application form which the applicant must fill in. In this form, the data subject must indicate his or her identity, address and contact details. The applicant must also specify which documents he or she is asking to be granted access. The applicant has the possibility to add further comments by means of the dedicated box.

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

The legal basis for the processing of personal data is the following:

Article 5.1 (a) of Regulation (EC) No 2018/1725 ("the processing is necessary for the performance of a task carried out in the public interest on the basis or in the exercise of official authority").

The grounds for the lawfulness of processing are the following:

- Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents;
- Articles 33a and 88 of Council Regulation (EC) No 2100/94 on Community plant variety rights introduced by Council Regulation (EC) No 1650/2003;
- Article 84 of Commission Regulation (EC) No 874/2009 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards proceedings before the Community Plant Variety Office;
- Practical arrangements adopted by the Administrative Council of the CPVO on 25 March 2004;
- Amendment adopted by the Administrative Council of the CPVO on 19 September 2019 to decision of the Administrative Council of the Office of 25 March 2004;
- CPVO Internal administrative instructions of 13 January 2005 on the Administrative procedure to be followed in relation to request for access to documents of the CPVO;
- CPVO Decision on retention of personal data which are sent by the applicant for a request of access to documents.

5. 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.

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

Regarding the application form for public access and information therein contained:

- The CPVO Registrar and assistants to the Registry who receive and compile the requests;
- "Case holders", Technical Unit staff, legal trainees, other Units or services of the Office depending on the requested document;
- The Legal Advisors;
- The President of the Office, in case of CA.

Regarding the data provided upon the grant of the request for access:

- The applicant for public access.

The personal data is not intended to be transferred to a third country. For more information about how you can exercise your personal data rights, please see below.

7. 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.

Access to the internal database Docman is username- and password-secured. Regarding incoming and outgoing traffic of electronic communications, an inbound firewall protects the system.

Personal data such as contact details of applicants for CPVR/CPVR titleholders, appearing on documents to which access is granted further to a public access request, is blanked out/blackened. The Office uses a software called "GIMP" for this blanking out of personal data, which cannot be removed and ensure protection of the same.

No physical copy is either produced or stored.

8. How long do we keep your data?

In Accordance with the CPVO Decision on the retention of personal data which are sent by the applicant for a request of access to documents, data shall be deleted from the internal Docman database/filing system after a retention period of 24 months. During the request processing, should the personal data contained in the application form be transmitted through different staff members by email, each staff member will delete them from his or her email reception box once the personal data transmitted by the applicant are no longer needed by said staff member.

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 or object processing? How can you request to exercise your right to data portability?

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.

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. It also includes the right to object the disclosure of personal data of those data subjects, which personal data is included in the requested documents.

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.

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 or withdraw 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 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 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 CPVO's Data Protection Officer: dpo@cpvo.europa.eu.

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