

## **Privacy Statement on the processing of personal data in the context of Sales of Reports**

### **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 (EU) 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.

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

The following data are processed:

Upon receipt at the CPVO of the request of the PVR National Authority:

- Name of staff members requesting PVR National Authority;
- Breeder's reference of the variety subject to the application;
- Date of application for the national PVR title;
- Applicant for the PVR title (name, surname, and postal address);
- Details on the variety for which protection has been applied for (breeder's reference, variety denomination, botanical name of taxon, person who bred, or discovered and developed, the variety);
- Technical Questionnaire relating to the variety for which national PVR protection is applied (sometimes attached);
- If applicable, reference of prior applications for PVR protection for the variety concerned;
- Address where the Sales report invoice must be sent when the fee is not paid directly by the requesting authority.

Upon sending of the Report by the CPVO to the requesting PVR National Authority:

- Reference number of the concerned plant variety for which the DUS report has been carried out;
- DUS report and variety description, inclusive eventual pictures of the variety examined;
- Applicant/Holder details, date of application for the CPVR title;
- Name, postal address and contact details (phone, email, website) of Requesting PVR National Authority;
- Stamp of the CPVO;
- Name of the CPVO agent sending documents or certified copies to the relevant parties.

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

The legal basis for the processing of data within the context of the sending of important information to stakeholders or registered users at the CPVO is the following:

Article 5.1 (a) of Regulation (EU) 2018/1725 ("the processing is necessary for the performance of a task carried out in the public interest").

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

The processing of personal data is carried out under the responsibility of the Head of Technical Unit.

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

Staff members in the Technical Unit, as well as other CPVO staff members (as they have access to the internal database Docman), the Examination Offices, the concerned national PVR Authority.

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

The staff members in the Technical Unit that manage the sales of reports are bound by confidentiality clauses. Relevant and solid IT tool safeguards are in place to secure safe online communications in the exchange of emails between the CPVO and the Requesting PVR National Authorities. When the CPVO sends the final report requested to the Requesting PVR National Authority, this is done via certified secured email (certified copies are sent via the B2B secured platform of the CPVO).

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

In accordance with Article 42(5) of the Financial Regulation and Article 21(d) of its Implementing Rules, all financial personal data and supporting documents is kept for five years from the date on which the budget authority, namely, the Administrative Council of the CPVO, grants discharge for the budgetary year to which the documents relate. Personal data contained in supporting documents shall be deleted where possible when those data are not necessary for budgetary discharge, control and audit purposes.

#### **8. 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? How can you withdraw consent, where processing of your personal data is based on consent?**

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.

**Right to withdraw consent:** You have the right to withdraw your consent at any time.

**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: Head of the Legal Unit by e-mail 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 controller and/or the Data Protection Officer, can be addressed at any time to the European Data Protection Supervisor: [edps@edps.europa.eu](mailto:edps@edps.europa.eu)