

## **Privacy Statement on the processing of personal data in the context of the 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 ("Regulation (EU) 2018/1725" or "EUDPR"). 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](mailto:dpc@cpvo.europa.eu).

### **1. What personal data do we process?**

The requested data in the application form for a Community Plant Variety right are the following:

- Applicants' Name and Surname;
- Official postal 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 have 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 and Surname, address, address for correspondence if it is different from official address, post code, city, country, email;
- Name and Surname, and postal address of the breeder (natural person);
- Further data relating to the application for a CPVR, including botanical taxon and designation of the variety;
- Details of all other applications for plant variety rights or official variety lists concerning the variety for which protection is sought;
- Information concerning priority.

Optionally, a proof of payment may be uploaded, and further data might be disclosed.

### **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 with users/applicants.

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

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

The legal bases for the processing of the personal data are 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”);
- Article 5.1 (b) of Regulation (EU) 2018/1725 (“the processing is necessary for compliance with a legal obligation to which the controller is subject”).

The grounds for the lawfulness of the processing are the following:

- Articles 50, 87, 88 and 89 of Regulation (EC) No 2100/94;
- Articles 2 and 6 of Regulation (EC) 874/2009.
- CPVO Procedure of 20 January 2020 on the Reception procedure.

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

The CPVO ensures that data collected are processed only by the staff responsible of the corresponding processing operations on a need-to-know basis. Personal data contained in certified applications for CPVR as well as titles granted may be transferred to Examination Offices responsible for the DUS examination of the candidate variety.

In accordance with Article 89 of Regulation (EC) 2100/94, the CPVO publishes on a monthly basis updates referring to new applications received as well as titles granted. These data are also published in the website of the Publication Office of the European Union. The relevant data contained in certified applications and titles granted may be available to the general public for public interest purposes.

### **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. Access to Docman, where data may be also stored is username- and password-protected, and only the concerned recipients on a need-to-know basis have access to documents relevant to the procedure. In addition to the access rights granted to selected recipients, Docman may be accessed only by CPVO/users from the internal network (on premises) or through the remote VPN SSL.

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, 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 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.

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 Technical 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 Data Protection Officer of the CPVO: [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).