EEAS PRIVACY STATEMENT - DATA PROTECTION NOTICE

FOR THE PURPOSE OF

PROCESSING PERSONAL DATA RELATED TO EEAS ACCESS TO DOCUMENT REQUESTS SUBMITTED VIA EMAIL BY MEANS OF THE ONLINE FORM AND VIA THE EEAS PUBLIC REGISTER

1. INTRODUCTION

The protection of your personal data and privacy is of great importance to the European External Action Service (EEAS), including the Delegations of the European Union. You have the right under EU law to be informed when your personal data is processed [collected, used, stored] as well as about the purpose and details of that processing.

When handling personal data, we respect the principles of the Charter of Fundamental Rights of the European Union, and in particular Article 8 on data protection. Your personal data are processed in accordance with Regulation (EU) 2018/1725 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, aligned with Regulation (EU) 2016/679, the General Data Protection Regulation. In this privacy statement, you find information about how the EEAS and EU Delegations process your personal data and what rights you have as a data subject.

2. PURPOSE OF DATA PROCESSING: Why do we process your data?

The objective of the processing activity is to answer and follow up requests for access to documents (AtD) held by the EEAS pursuant to Regulation (EC) 1049/2001 addressed to the EEAS.

Description

EU citizens and natural or legal persons residing or having their registered offices in the EU pursuant to Regulation (EC) 1049/2001 can submit a request through the dedicated online form via the EEAS Public Register https://www.europa.eu/public-register/request or by sending an e-mail to the functional mailbox ACCESS-TO-DOCUMENTS@eeas.europa.eu. Based on the information provided in the request it is assessed, and if necessary clarification can be requested. After the reply is provided, data are preserved to handle eventual confirmatory applications, keeping history of past requests introduced by the same applicant and for the case of a complaint to the European Ombudsman and cases before the Court of Justice of the European Union.

Data are collected and stored with the aim of:

- Replying to the applicant;
- Conferring with the applicant for clarification requests;
- Handling of confirmatory applications;
- Keeping history of past requests introduced by the same applicant;
- Keeping history in case of complaint to the EU Ombudsman or cases before the Court of Justice of the European Union.

The EEAS Register of public documents is managed by the Division 'Policy Coordination' (SG.COORD).

The EEAS functional mailbox "EEAS ACCESS TO DOCUMENTS" for submitting requests for access to documents under Regulation (EC) 1049/2001 is managed by the Transparency team within the Legal Department (SG.LD).

3. DATA PROCESSED: What data do we process?

Data, including personal data received from the requestors of Access to Documents by means of the online form on the EEAS Public Register webpage

Obligatory fields:

- Title
- First name, surname
- E-mail address
- Postal address*
- Country
- Document requested

Optional fields:

- Occupation (to be chosen from a list of generic sectors)
- Organisation
- Phone
- Fax

- Document date – (interval 'from to')
- Language requested
- Second choice, in case not available
- Information about the document requested

Data, including personal data related to the requests of Access to Documents via e-mail:

- E-mail address
- Other data encompassed in the content of the request may be also processed, including information about the document requested as well as other personal data along with additional contact data provided by the requestor
- ID document (for the purpose of identification verification, as needed)

During the handling of the request, further information* may be collected to clarify the request.

*Postal address is needed in order to apply the Data Protection Regulation (EU) 2018/1725 correctly. Knowing whether the applicant is an EU resident or not is necessary for deciding which conditions shall apply for the transmission of personal data to applicants for access to documents. These conditions are not the same for recipients established in the EU and for recipients in Third Countries.

Staff members involved in the procedure of the Access to Documents request handling on the side of the EEAS or on the side of the originator of the requested document:

- Name
- Contact data
- Position
- Organisation and organisational entity
- Contribution to the procedure

4. DATA CONTROLLER: Who is entrusted with processing your data?

The data controller determining the purpose and the means of the processing activity is the European External Action Service (EEAS). The EEAS Division responsible for managing the personal data processing under the supervision of the Head of Division is the following entity:

EEAS.LD - Legal Department, Access to Documents service

5. RECIPIENTS OF THE PERSONAL DATA: Who has access to your data?

Within the EEAS data recipients may be as follows:

- Transparency Team, including the Access-to-Document Coordinator
- Assigned staff members of the EEAS Division, Directorate or Department owning the document or in charge of ensuring the follow up of the requests for access to documents
- Assigned staff of the legal divisions of the Legal Department
- Data Protection Officer and dedicated DPO office staff members
- Assigned staff of the Office of the Director General for Resource Management, if and when replying to confirmatory applications

Outside the EEAS:

- Council, Commission and other EU institution ATD staff members (on a need to know basis such as for possible consultations of for checking requests addressed to multiple institutions)
- Staff and representatives of the originators of the requested document on a need to know basis.

Personal data is not intended to be transferred to a Third Country, nor to an International Organisation. The given information will not be communicated to third parties, except where necessary for the purposes outlined above.

6. ACCESS, RECTIFICATION, ERASURE OF DATA: What rights do you have?

You have the right of access to your personal data and the right to correct your inaccurate, or incomplete personal data taking into account the purpose of the processing. The right of rectification can only apply to factual data processed. Under certain conditions, you have the right to ask the deletion of your personal data or restrict their use as well as to object at any time to the processing of your personal data on grounds relating to your particular situation. We will consider your request, take a decision and communicate it to you 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. For more detailed legal references, you can find information in Articles 14 to 21, 23 and 24 of Regulation (EU) 2018/1725. In specific cases, restrictions under Article 25 of the Regulation may apply. If you wish to exercise your rights or have questions concerning the processing of your personal data, you may address them to the Data Controller via the functional mailbox:

ACCESS-TO-DOCUMENTS@eeas.europa.eu

Data is also collected via the online form on the EEAS website under EEAS Public Register page: https://www.europa.eu/public-register/request

The Register with the list of public documents can be found on: https://www.europa.eu/public-register

7. LEGAL BASIS: On what grounds we collect your data?

Lawfulness

The processing of personal data related to handling access to document requests is necessary for the performance of a task carried out by the EEAS in the public interest [Article 5(1)(a) of Regulation (EU) 2018/1725] as well as for the management and functioning of the EEAS, as referred to in Recital 22 thereof. The processing is also necessary to ensure compliance with a legal obligation [Article 5(1)(b) of Regulation (EU) 2018/1725] laid down in articles 10(3) and 11(2) of the Treaty of the EU and article 15(3) of the Treaty on the Functioning of the EU as well as in Regulation (EC) 1049/2001.

Legal references

- Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43)
- Treaty on European Union []Articles 10(3) and 11(2)]
- Treaty on the Functioning of the European Union [Article 15(3)]
- Charter of Fundamental Rights of the European Union [Article 42]
- Decision ADMIN(2024)13 of the High Representative of the Union for Foreign Affairs and Security Policy of 23 May 2024 on the rules regarding access to documents (OJ C, C/2024/4431, 11.7.2024)

Further legal reference

- Article 11(1) of the Council Decision 2010/427 of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L201, 3/8/2010, p. 30)

8. TIME LIMIT - DATA STORING: For what period and how we process your data?

Storage period

Case files including correspondence between Access-to-Documents team and the Divisions consulted on the various requests, are retained for 2 years from the closure of the request in order to ensure consistency in treatment of applications and proper follow-up of confirmatory applications, complaints and court proceedings, aligned with the period during which a claim may be submitted to the Ombudsman or to the European Court of Justice.

In case of investigations, complaints or legal cases the data will be kept 5 years after the closure of the procedures, respectively after the judgment in the court case is final.

The requests and the official replies to both initial and confirmatory requests are kept in the record management IT system, Ares, used by the EEAS and hosted by the European Commission (EC). Preservation of files in the system is in accordance with the Common Retention List issued by the EC in 2022 (Third Revision (Ref. Ares(2022)8801492 – 19/12/2022.

Statistics kept for a longer period will be anonymised.

Security of data

Appropriate organisational and technical measures are ensured according to Article 33 of Reg. (EU) 2018/1725. The collected personal data are stored on servers that abide by pertinent security rules. Data is processed by assigned staff members. Access to specific files requires authorisation. Measures are provided to prevent unauthorised entities from access, alteration, deletion, disclosure of data. General access to personal data is only possible to recipients with a UserID/Password. Physical copies of personal data are stored in a properly secured manner.

Specific measures:

Access to "EEAS ACCESS TO DOCUMENTS" Functional Mailbox and drive limited to the Transparency Team and concerned staff of the Legal Department.

Specific security measures of the EEAS Register IT tool:

- Data is stored on servers located in the Data Centre of the EEAS and the Directorate General of Informatics (DG DIGIT) of the European Commission.
- The exchange of data between the servers and the user's browsers is encrypted over the HTTPS protocol.
- Security measures are implemented so the public system does not allow downloading documents without permission from backend system.

9. EEAS DATA PROTECTION OFFICER: Any questions to the DPO?

In case you have queries, you can also contact the EEAS Data Protection Officer at data-protection@eeas.europa.eu.

10. RECOURSE

You have at any time the right of recourse to the European Data Protection Supervisor at edps@edps.europa.eu.