

<b>DATA CONTROLLER</b>	<b>eu-LISA</b> Vesilennuki 5, 10415 Tallinn, Estonia ( <a href="mailto:pad@eulisa.europa.eu">pad@eulisa.europa.eu</a> )
<b>DATA PROTECTION OFFICER (DPO)</b>	<a href="mailto:dpo@eulisa.europa.eu">dpo@eulisa.europa.eu</a>
<b>PURPOSE OF THE PROCESSING</b>	To process and respond to your Public Access to Documents request in a timely and satisfactory manner
<b>LEGAL BASIS</b>	Legal obligations imposed to eu-LISA in accordance to Regulation (EC) No 1049/2001
<b>RETENTION PERIOD</b>	5 years from the closure of the file
<b>OTHER RECIPIENTS OF THE DATA</b>	Designated personnel of eu-LISA Recipients based in the EU as provided by article 9 of Regulation 2018/1725
<b>RIGHTS YOU MAY EXERCISE THROUGH OUR DATA PROTECTION OFFICER</b>	<ul style="list-style-type: none"> <li>• Access to your data</li> <li>• Rectification of your data</li> <li>• Erasure of your data</li> <li>• Objection to the processing</li> <li>• Restriction of the processing</li> </ul>
<b>DATA PROTECTION AUTHORITY</b>	European Data Protection Supervisor <a href="mailto:edps@edps.europa.eu">edps@edps.europa.eu</a>

## PROTECTION OF YOUR PERSONAL DATA

**This privacy statement provides information about the processing and the protection of your personal data**

### **1. Introduction**

The European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (hereafter, 'eu-LISA') is committed to protect your

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personal data and to respect your privacy. eu-LISA collects and further processes personal data pursuant to [Regulation \(EU\) 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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data.

The information in relation to processing operation Public access to documents (Handling requests and consultations addressed to eu-LISA for access to documents lodged under Regulation (EC) No 1049/2001) undertaken by the Legal Sector, Corporate Services Department is presented below.

### **2. Why and how do we process your personal data?**

The Legal Sector collects and uses your personal information to ensure the appropriate handling of requests for public access to documents under Regulation No 1049/2001.

In accordance with the Decision 2022-090 of the Management Board of eu-LISA of 24 March 2022 on practical arrangements regarding public access to documents held by the Agency and the Decision of the Executive Director of eu-LISA of 15 September 2022 on the adoption of Guidelines on Public Access to Documents (PAD)<sup>1</sup>, the PAD Coordinator (means the Senior Legal Officer(s) and/or Legal Officer(s) working in the Legal Sector of Corporate Services Department, performing tasks of a cross-divisional nature, in charge of processing public access to documents applications and coordinating the internal network of PAD Contact Persons) and the PAD Contact Person(s) (person appointed by a decision of the Executive Director to be part of a cross-divisional network within the Agency, coordinated by the PAD Coordinator. They are in charge of handling public access to documents applications in their thematic field under the joint instructions of their Head of Unit and the PAD Coordinator) of the document shall follow a specific procedure when handling a request for access to document(s).

A third-party consultation addressed to eu-LISA related to a request for access to documents shall be handled in accordance with the Regulation No 1049/2001. It should be highlighted that in such cases, eu-LISA is not normally informed of the personal data (e.g. name, surname etc.) of the applicant, nor does it request identity documents to confirm his or her eligibility. The processing of the consultation follows to a large extent the process of handling initial requests for public access to documents.

Your personal data will not be used for an automated decision-making including profiling.

Your personal data processed may be reused for the purpose of procedures before the EU Courts, national courts, or the European Court of Auditors.

### **3. On what legal ground(s) do we process your personal data**

We process your personal data, because:

(a) *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 Union institution or body;*

- 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, applicable to eu-LISA by virtue of Article

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34(1) of Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011.

- Decision No 2022-090 of 24 March 2022 of the Management Board on the practical arrangement regarding public access to documents held by the Agency.
- Decision of the Executive Director of eu-LISA of 15 September 2022 on the adoption of the guidelines on public access to documents<sup>1</sup>;
- Decision of the Executive Director of eu-LISA of 11 October 2022 on the appointment of Public Access to Documents (PAD) Contact Persons<sup>2</sup>.

*(b) processing is necessary for compliance with a legal obligation to which the controller is subject;*

- Articles 2, 6,7,8,10 and 12 of the 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.
- Articles 3,5,6 and 8 of the Decision No 2022-090 of 24 March 2022 of the Management Board on the practical arrangement regarding public access to documents held by the Agency.

#### **4. Which personal data do we collect and further process?**

In order to carry out this processing operation *the Legal Sector* collects the following categories of personal data:

- Name, contact details and affiliation (e.g. address, first name, surname, e-mail, phone number, citizenship);
- Personal identification numbers (e.g. national IDs/passports, staff ID)
  - For individuals: Identity Documents
  - For legal persons:
    - proof of registered office

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<sup>1</sup> Ref. Ares(2022)6549435 – 22/09/2022.

<sup>2</sup> Ref. Ares(2022)7025095 – 11/10/2022.

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- proof of the link between the individual presenting the application and the legal person;
- Other personal data (please detail below – e.g. in case data categories differ between different categories of persons, please explain – like data from statutory staff vs. non-staff person)
  - Any personal data contained in documents and files covered by the scope of the request.

We have obtained your personal data from you.

**5. How long do we keep your personal data?**

The Legal Sector only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for:

Categories of personal data	Data retention period (or criteria, if specific period cannot be specified)
<i>General personal data</i>	
• Personal data related to the file	Five (5) years from the closure of the file.
• Personal data related to the identity document of the applicant	Until the initial reply is sent to the applicant. The data will not be stored for longer than necessary for this purpose.
• Personal data related to the proof of registered office along with the proof of the link between the individual presenting the application and the legal person	Until the initial reply is sent to the applicant. The data will not be stored for longer than necessary for this purpose.
<i>Sensitive personal data</i>	N/A

After the retention period expires, personal data will be:

- Initial applications: deleted/ eliminated
- Confirmatory applications: transferred to the Historical Archives and permanent preservation
- Consultations addressed to eu-LISA: deleted/ eliminated

When determining the maximum retention periods, the Agency takes also into account possible legal recourses, legal, auditing, archiving and reporting obligations.

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

Access to your personal data is provided to eu-LISA staff responsible for carrying out this processing operation and to authorised staff according to the “need to know” principle.

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Such staff abide by statutory, and when required, additional confidentiality agreements. In particular, access to your personal data is provided to:

- Designated eu-LISA staff members;
- PAD Coordinator - means the Senior Legal Officer(s) and/or Legal Officer(s) working in the Legal Sector of Corporate Services Department, performing tasks of a cross-divisional nature, in charge of processing public access to documents applications and coordinating the internal network of PAD Contact Persons;
- PAD Contact Person - person appointed by a decision of the Executive Director to be part of a cross-divisional network within the Agency, coordinated by the PAD Coordinator. They are in charge of handling public access to documents applications in their thematic field under the joint instructions of their Head of Unit and the PAD Coordinator.
- Management of eu-LISA - Executive Director, Deputy Executive Director (if applicable), Head of Corporate Services Department, Head of Operations Department (if applicable);
- Designated external service providers handling a specific request for public access to documents;
- Pursuant to Article 9 of the Regulation (EU) 2018/1725, without prejudice to Articles 4 to 6 and 10 of the same Regulation, personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if:
  - a) the recipient establishes that the data are necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the recipient; or
  - b) the recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject's legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests.

The controller will transfer your personal data to the following recipients in a third country or to an international organisation in accordance with Regulation (EU) 2018/1725: eu-LISA may reply to an applicant requesting access to documents under Regulation No 1049/2001 residing in any country outside the EU. Apart from the applicant's own personal data, eu-LISA only discloses personal data to an applicant residing outside the EU if the conditions for a transfer of personal data to a third country or an international organisation under Chapter V of Regulation (EU) 2018/1725 are met. All cases are assessed on a case-by-case basis.

The controller will transfer your personal data based on:

- adequacy decision of the Commission for a specific country / commercial sector (Article 47 of Regulation (EU) 2018/1725),
- Appropriate safeguards:

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- Legally binding instruments between public authorities or bodies
  - Standard Contractual Clauses (SCC) (specific to international transfers)
  - Codes of conduct or certification mechanisms, Binding Corporate Rules
  - Under EDPS authorization, ad-hoc SCC or administrative arrangements
- Derogations for specific situations: All cases are assessed on a case-by-case basis.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

### **7. What are your rights and how can you exercise them?**

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular:

- **Right of access:** You may request to know if eu-LISA is processing your personal data in regards to the Public Access to Documents procedure, as well as to access said data.
- **Right to rectification:** You may request eu-LISA to update or correct any of your personal data processed for the purposes of Public Access to Documents.
- **Right to erasure:** You may request eu-LISA to delete any of your personal data that is being processed in regards to the Public Access to Documents procedure, as long as the conditions laid out in Article 19 of Regulation 2018/1725 are met.
- **Right to restriction:** You may request eu-LISA to restrict the processing of your personal data on the conditions laid out in Article 20 of Regulation 2018/1725.
- **Right to objection:** You may object to the processing of your personal data as described in the present privacy statement. In such case, eu-LISA shall only continue with the processing of your personal data if it demonstrates compelling legitimate grounds for overriding your interests.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a).

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer ([dpo@eulisa.europa.eu](mailto:dpo@eulisa.europa.eu)). If necessary, you can also address the European Data Protection Supervisor.

### **8. Contact information**

#### **- The Data Controller**

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller at [PAD@EULISA.EUROPA.EU](mailto:PAD@EULISA.EUROPA.EU).

#### **- The Data Protection Officer of eu-LISA**

You may contact the Data Protection Officer ([dpo@eulisa.europa.eu](mailto:dpo@eulisa.europa.eu)) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

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- **The European Data Protection Supervisor (EDPS)**

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.