

## RECORD OF PERSONAL DATA PROCESSING ACTIVITY according to Article 31 of Regulation (EU) 2018/1725

### ► Management of appeal procedure before the European Board of Appeal

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#### General information

Introduction
EIOPA, as a European Authority, is committed to protect individuals with regard to the processing of their personal data in accordance with Regulation (EU) No 2018/1725 (further referred as the Regulation) <sup>1</sup> .
Contact Details of Data Controller(s)
Fausto Parente, Executive Director Westhafenplatz 1, 60327 Frankfurt am Main, Germany <a href="mailto:fausto.parente@eiopa.europa.eu">fausto.parente@eiopa.europa.eu</a>
Contact Details of the Data Protection Officer
Eleni Karatza Westhafenplatz 1, 60327 Frankfurt am Main, Germany <a href="mailto:dpo@eiopa.europa.eu">dpo@eiopa.europa.eu</a>
Contact Details of Processor
EIOPA's Team/Unit/Department responsible for the processing: BoA Secretariat; <a href="mailto:boardofappeal@eiopa.europa.eu">boardofappeal@eiopa.europa.eu</a>

<sup>1</sup> 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

## Description and Purpose of the Processing

Description of Processing
<p>The Board of Appeal (BoA) is a joint body of the three financial European Supervisory Authorities (ESAs), namely EIOPA, EBA and ESMA. Although its secretariat and organisation is supported by the ESAs through the Joint Committee (JC), the BoA is fully independent. Each ESA has a BoA secretariat which manages the administration of appeals for the BoA in a rotation principle. This record is specific to EIOPA BoA secretariat and does not cover the processing by EBA and ESMA BoA secretariats. It describes the administrative support provided by EIOPA BoA secretariat (hereafter the Secretariat) to the BoA in order to run an appeal from its reception through the oral representations (hearings) and the publication of the BoA final decision on the ESAs websites. In particular:</p> <ul style="list-style-type: none"> <li>- recording of appeal and related procedural steps (for written and oral procedure)</li> <li>- recording of names of: <ul style="list-style-type: none"> <li>o legal representatives of the appellant and the respondent</li> <li>o names of parties to the proceedings</li> <li>o names of members of BoA</li> </ul> </li> <li>- generating documents related to the appeal</li> <li>- keeping detailed records of oral submissions if a hearing is held</li> <li>- publication of BoA final decisions</li> </ul> <p>Processing of personal data collected from the individuals (general public) wishing to attend a hearing before the Board of Appeal held in EIOPA's premises, or via videoconference, are covered by separate records, namely on 'Management of physical access to the EIOPA premise's, and, in case of video conferences, on 'Web Conference Service Cisco Webex' and 'Microsoft 365 videoconferencing'.</p>
Purpose (s) of the processing
<p><input type="checkbox"/> Staff administration</p> <p><input checked="" type="checkbox"/> Relations with external parties</p> <p><input type="checkbox"/> Procurement and accounting</p> <p><input type="checkbox"/> Administration of membership records</p> <p><input type="checkbox"/> Auditing</p> <p><input checked="" type="checkbox"/> Information administration</p> <p><input checked="" type="checkbox"/> Other (please give details):</p>

To ensure adequate operational and secretarial support for the BoA, EIOPA BoA secretariat manages the administrative treatment of the procedure (both written and oral phase) before the BoA in relation to appeals lodged against EIOPA.

Lawfulness of Processing

- Legal Basis justifying the processing:  
 Article 58(8), of Regulation (EU) No 1094/2010 (EIOPA Regulation)  
 BoA Rules of Procedures (BoA 2020 01), in particular Article 4
- Processing is necessary:
  - for the performance of a task carried out in the public interest – Article 5(1)(a) of the Regulation
  - for compliance with a legal obligation to which the Controller is subject
  - for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
  - in order to protect the vital interests of the data subject or of another natural person
 Or
  - Data subject has given his/her unambiguous, free, specific and informed consent

Data Subject’s Rights

Information on how to exercise data subject’s rights

Data subjects may exercise their data privacy rights provided in Articles 17 to 24 of the Regulation (EU) 1725/2018.

Data subjects have the right to:

- access their personal data, receive a copy of them in a structured and machine-readable format or have them directly transmitted to another controller, as well as request their rectification or update in case they are not accurate.
- request the erasure of their personal data, as well as object to or obtain the restriction of their processing.
- withdraw their consent to the processing of their personal data at any time in case such processing is based solely on their consent.

For the protection of the data subjects’ privacy and security, every reasonable step shall be taken to ensure that their identity is verified before granting access, or rectification, or deletion.

Should data subjects wish to access/rectify/delete their personal data, or receive a copy of them/have it transmitted to another controller, or object to/restrict their processing, please contact [[boardofappeal@eiopa.europa.eu](mailto:boardofappeal@eiopa.europa.eu)] or [[DPO@eiopa.europa.eu](mailto:DPO@eiopa.europa.eu)].

**Complaint:**

Any complaint concerning the processing of the data subjects’ personal data can be addressed to EIOPA’s Data Protection Officer (DPO@eiopa.europa.eu). Alternatively, data subjects can also have at any time recourse to the European Data Protection Supervisor ([www.edps.europa.eu](http://www.edps.europa.eu)).

**Categories of Data Subjects & Personal Data**

**Categories of Data Subjects**

- EIOPA permanent staff, Temporary or Contract Agents
- SNEs or trainees
- Visitors to EIOPA (BOS, MB, WG, Seminars, Events, other)  
If selected, please specify:
  - Providers of good or services
  - Complainants, correspondents and enquirers, and their legal representatives
  - Relatives and associates of data subjects
  - Other (please specify): BoA Members

Public attending the hearings in EIOPA’s premises or via videoconference are covered by separate dedicated records as indicated above under “Description of processing”.

**Categories of personal data**

**(a) General personal data:**

The personal data contains:

- Personal details (name, address etc.)
- Education & Training details
- Employment details
- Financial details
- Family, lifestyle and social circumstances
- Other (please give details):

**(b) Special categories of personal data**

The personal data reveals:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic or Biometric data

<input type="checkbox"/> Data concerning health, sex life or sexual orientation
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### Categories of Recipients & Data Transfers

Recipient(s) of the data
<input type="checkbox"/> Managers of data subjects <input checked="" type="checkbox"/> Designated EIOPA staff members If selected, please specify: EIOPA staff designated as BoA secretariat members, designated staff of the Legal team dealing with the BoA procedure. <input type="checkbox"/> Relatives or others associated with data subjects <input type="checkbox"/> Current, past or prospective employers <input type="checkbox"/> Healthcare practitioners <input type="checkbox"/> Education/training establishments <input type="checkbox"/> Financial organisations <input type="checkbox"/> External contractor  <input checked="" type="checkbox"/> Other (please specify): BoA Members, appellants, legal representatives of appellants
Data transfer(s)
<input type="checkbox"/> Within EIOPA or to other EU Institutions/Agencies/Bodies If selected, please specify: <input type="checkbox"/> To other recipients within the EU (e.g. NCAs): <input type="checkbox"/> To third countries If selected, please specify: Whether suitable safeguards have been adopted: <input type="checkbox"/> Adequacy Decision of the European Commission <sup>2</sup> <input type="checkbox"/> Standard Contractual Clauses (SCC) <input type="checkbox"/> Binding Corporate Rules (BCR) <input type="checkbox"/> Administrative Arrangements between public Authorities (AA) <input type="checkbox"/> To international organisations If selected, please specify the organisation and whether suitable safeguards have been adopted:

<sup>2</sup> Third countries for which the European Commission has issued adequacy decisions are the following: [Adequacy decisions \(europa.eu\)](https://european-council.europa.eu/media/en/press-room/pages/press-room.aspx?pid=14737)

Data subjects could obtain a copy of SCC, BCR or AA here:

### Automated Decision Making

#### Automated Decision-making, including profiling

A decision is taken in the context of this processing operation solely on the basis of automated means or profiling:

No

Yes

In case of an automated decision-making or profiling, please explain:

### Retention Period & Security Measures

#### Retention period

How long will the data be retained?

In accordance with Article 22 of BoA Rules of Procedure, names of BoA members, name of Secretariat member responsible, names of parties and their lawyers are part of appeal decisions which according to Article 24 BoA Rules of Procedure shall be public and therefore may remain on the internet indefinitely.

For the rest of the file, the administrative retention period is set for 5 years after the BoA decision has been adopted or, if appealed before the Court of Justice of the EU, 5 years after the judgement has acquired the force of res judicata.

Any video or audio recording of the hearing is destroyed once the written recording has been adopted.

For further processing envisaged beyond the original retention period for historical, statistical or scientific purposes, please specify whether the personal data will be anonymised:

No

Yes

#### Technical & organisational security measures taken

Several technical and organisational measures have been adopted in order to ensure the optimum security of the documents and personal data collected in the context of the procedures described under section 'Description and Purpose of the Processing'.