

## PRIVACY STATEMENT RELATED TO PROCESSING OF APPLICATION FOR ACCESS TO DOCUMENTS UNDER REGULATION (EC) NO 1049/2001

### ▶ Introduction

1. The European Insurance and Occupational Pension authority (EIOPA) is committed to protecting individuals personal data in accordance with Regulation (EU) 2018/1725<sup>1</sup> (further referred as “the Regulation”).
2. In line with Articles 15 and 16 of the Regulation, this privacy statement provides information to the data subjects relating to the processing of their personal data carried out by EIOPA.

### ▶ Purpose of the processing of personal data

3. According to (EC) Regulation 1049/2001, the general public has a right of access to documents ("ATD") EIOPA has in its possession and can make such a request by mail, fax or email. The name and contact details of the applicant are hereby processed by the EIOPA staff that handle these demands.

Initial applications are handled by the ATD Coordinator (usually a member of EIOPA 's legal unit, appointed by the Executive Director), who decides on initial applications and informs the applicant of his/her decisions. The ATD coordinator is assisted in these tasks, if necessary, by the EIOPA services which produced or received the document in question. Other relevant EIOPA bodies might be consulted too.

According to the decision of the Management Board concerning public access to documents (EIOPA-MB11/051-Rev 1), as a general rule, confirmatory applications are handled by the Executive Director. He/she decides on confirmatory applications and informs the applicant of his/her decision. He/she is assisted in this task by the ATD Coordinator and, if necessary, by the EIOPA Service which produced or received the document in question.

When EIOPA receives an application for access to document originated from a third party, this third party may be consulted. The consultation is handled by the ATD Coordinator. He/she is assisted in this task, if necessary, by the EIOPA Service which produced or received the document in question and may also consult the Executive Director.

When EIOPA is consulted as a third party, the consultation is handled by the ATD Coordinator. He/she is assisted in this task, if necessary, by the EIOPA Service which produced or received the document in question.

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<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, OJ L 295, 21.11.2018, p. 39–98.

4. Your data will not be used for any purposes other than the performance of the activities specified above. Otherwise, you will be informed accordingly.

▶ **Legal basis of the processing of personal data and/or contractual or other obligation imposing it**

5. The legal basis for this processing operation is:
  - Article 15(3) TFEU
  - Regulation (EC) No 1049/2001
  - Article 72 of Regulation (EU) No 1094/2010
  - MB Decision concerning public access to documents (EIOPA-MB-11/051-Rev 1)
6. In addition, in accordance with Article 5(1)(b) of the Regulation, processing is lawful as it is necessary for compliance with a legal obligation to which the Controller is subject.

▶ **Controller of the personal data processing**

7. The controller responsible for processing your data is EIOPA's Executive Director.
8. Address and email address of the controller:

Westhafen Tower, Westhafenplatz 1  
60327 Frankfurt am Main  
Germany  
[fausto.parente@eiopa.europa.eu](mailto:fausto.parente@eiopa.europa.eu)

▶ **Contact detail of EIOPA's Data Protection Officer (DPO)**

9. Westhafenplatz 1, 60327 Frankfurt am Main, Germany  
[dpo@eiopa.europa.eu](mailto:dpo@eiopa.europa.eu)

▶ **Types of personal data collected**

10. The following personal data may be collected and processed:
  - Personal details, such as name, contact details etc.
  - Employment details are not required by EIOPA but the email address the applicant or other party in the process uses to file the ATD application or for other communication can reveal which entity that person is employed with.

- Other personal data, such as training and education details, financial details, family, lifestyle and social circumstances, etc. or special categories of personal data such as political opinions, or trade union membership details, may be collected if such data are provided either by the applicant along with the ATD application, or if they are contained in the documents provided/requested for the purpose of handling the ATD application.

As it cannot be foreseen what the ATD application could be about, it cannot be precisely foreseen what personal data may be collected.

#### ▶ **Recipients/processors of the personal data collected**

11. Your personal data may be shared with the following recipients:

- Designated EIOPA staff members: ATD coordinator, Executive Director, members of the Management Board, members of EIOPA's legal unit or other EIOPA staff in whose team/unit the requested document belongs or who are assisting with the handling of a particular ATD application.
- Relevant EIOPA bodies.
- External law firms assisting in the assessment of ATD applications.

#### ▶ **Retention period**

12. 5 (five) years after the response to the initial application or the confirmatory application (if any). If the latter is subject to a complaint with the European Ombudsman and/or an action in front of the Board of Appeal/Court of Justice of the EU, the 5 years only starts after the Ombudsman has decided on the complaint and/or the BoA decision/Court's judgment has gained the status of res judicata. Thereafter, data are transferred to the historical archive.

#### ▶ **Transfer of personal data to a third country or international organisations**

13. Personal data may be transferred to and from third countries if:

- an applicant is a natural or legal person residing or having its registered office outside the EU;
- a natural or legal person residing or having its registered office outside the EU would need to be consulted as a third party in the ATD application.

Apart from the applicant's own personal data, EIOPA only discloses personal data to an applicant or a consulted third party residing outside the EU if the conditions for a transfer of personal data to a third country under Chapter V of the Regulation are met, i.e., if no adequacy decision is in place, with the explicit consent of the concerned data subjects.

#### ▶ **Automated decision-making**

14. No automated decision-making including profiling is performed in the context of this processing operation.

#### ▶ What are the rights of the data subject?

15. You have the right to access your 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. You also have the right to request the erasure of your personal data, as well as object to or obtain the restriction of their processing.
16. Where processing is based solely on the consent, you have the right to withdraw your consent to the processing of your personal data at any time.
17. Restrictions of certain rights of the data subject may apply, in accordance with Article 25 of the Regulation.
18. 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.
19. Should you wish to exercise any of the rights provided in points 15. And 16. above, please contact [access-to-documents@eiopa.europa.eu](mailto:access-to-documents@eiopa.europa.eu) or EIOPA's DPO ([dpo@eiopa.europa.eu](mailto:dpo@eiopa.europa.eu)).

#### ▶ Who to contact if you have any questions or complaints regarding data protection?

20. Any questions or complaints concerning the processing of your personal data can be addressed to EIOPA's Data Controller ([fausto.parente@eiopa.europa.eu](mailto:fausto.parente@eiopa.europa.eu)) or EIOPA's DPO ([dpo@eiopa.europa.eu](mailto:dpo@eiopa.europa.eu)).
21. Alternatively, you can have recourse to the **European Data Protection Supervisor** ([www.edps.europa.eu](http://www.edps.europa.eu)) at any time, **as provided in Article 63 of the Regulation.**