

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

► Processing of Application for Access to Documents (ATD) under Regulation (EC) No 1049/2001

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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) ¹ .
Contact Details of Data Controller(s)
Fausto Parente, Executive Director Westhafenplatz 1, 60327 Frankfurt am Main, Germany fausto.parente@eiopa.europa.eu
Contact Details of the Data Protection Officer
Eleni Karatza Westhafenplatz 1, 60327 Frankfurt am Main, Germany dpo@eiopa.europa.eu
Contact Details of Processor
EIOPA's Team/Unit/Department responsible for the processing: Legal Team

¹ 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>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 a relevant 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.</p> <p>Initial applications are handled by the ATD Coordinator appointed by the Executive Director. The ATD coordinator is usually a member of EIOPA 's legal team. He/she 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.</p> <p>According to the decision of the Management Board concerning public access to documents (EIOPA-MB-11/051-Rev 1), as a general rule, confirmatory applications are handled by the Executive Director (ED). 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.</p> <p>When EIOPA receives a request 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.</p> <p>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.</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 type="checkbox"/> Information administration</p> <p><input type="checkbox"/> Other (please give details):</p>
Lawfulness of Processing
<ul style="list-style-type: none"> • The processing of personal data is lawful since it is based on Article 5(1)(a) of the Regulation, i.e. it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority of EIOPA. • Legal Basis justifying the processing:

- 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)
- Processing is necessary:
 - for the performance of a task carried out in the public interest
 - for compliance with a legal obligation to which the Controller is subject– Article 5(1)(b) of the Regulation
 - 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 [access-to-documents@eiopa.europa.eu] or [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).

Categories of Data Subjects & Personal Data

Categories of Data Subjects
<input checked="" type="checkbox"/> EIOPA permanent staff, Temporary or Contract Agents <input checked="" type="checkbox"/> SNEs or trainees <input type="checkbox"/> Visitors to EIOPA (BOS, MB, WG, Seminars, Events, other) If selected, please specify: <input type="checkbox"/> Providers of good or services <input checked="" type="checkbox"/> Complainants, correspondents and enquirers <input type="checkbox"/> Relatives and associates of data subjects <input type="checkbox"/> Other (please specify):
Categories of personal data
<p>(a) General personal data: The personal data contains: <input checked="" type="checkbox"/> Personal details (name, address etc) <input checked="" type="checkbox"/> Education & Training details <input checked="" type="checkbox"/> Employment details <input checked="" type="checkbox"/> Financial details <input checked="" type="checkbox"/> Family, lifestyle and social circumstances <input checked="" type="checkbox"/> Other (please give details):</p> <p>Employment details are not required but the email address that the data subject use to file the ATD request can reveal for which entity he/she is currently working for.</p> <p>Several boxes are ticked above as, apart from the personal data submitted by the requester along with their ATD request for his/her identification, more personal data might be also provided in the application itself, or they may be contained in the documents requested. It cannot be foreseen what the ATD request could be about.</p> <p>(b) Special categories of personal data The personal data reveals: <input type="checkbox"/> Racial or ethnic origin <input checked="" type="checkbox"/> Political opinions <input type="checkbox"/> Religious or philosophical beliefs <input checked="" type="checkbox"/> Trade union membership <input type="checkbox"/> Genetic or Biometric data</p>

Data concerning health, sex life or sexual orientation

Categories of Recipients & Data Transfers

Recipient(s) of the data

Managers of data subjects

Designated EIOPA staff members

If selected, please specify:

ATD coordinator, Executive Director, members of the Management Board, members of EIOPA's legal team or of other EIOPA staff in whose team the requested document belongs or that are assisting with the handling of a particular ATD request, relevant EIOPA bodies.

Relatives or others associated with data subjects

Current, past or prospective employers

Healthcare practitioners

Education/training establishments

Financial organisations

External contractor: External law firm(s) assisting in the assessment of ATD requests

Other (please specify): Data subjects themselves

Data transfer(s)

Within EIOPA or to other EU Institutions/Agencies/Bodies

If selected, please specify: Within EIOPA and, potentially, EIOPA's Board of Appeal, the European Ombudsman or the Court of Justice of the EU.

To other recipients within the EU (e.g. NCAs): Potentially, law firm(s) located in the EU.

To third countries

If selected, please specify:

- Any natural or legal person not residing or not having its registered office in a Member State filing an access to document request (i.e. the applicant)

- Any natural or legal person not residing or not having its registered office in a Member State who would need to be consulted as a third party

Apart from the applicant's own personal data, EIOPA 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.

Whether suitable safeguards have been adopted:

It depends which this third country is. Potentially, all (separately or combined) the below could apply:

- Adequacy Decision of the European Commission²
- Standard Contractual Clauses (SCC)
- Binding Corporate Rules (BCR)
- Administrative Arrangements between public Authorities (AA)

To international organisations

If selected, please specify the organisation and whether suitable safeguards have been adopted:

Potentially the requester could be any international organisation or the documents are originated by an international organisation. However, the organisation cannot be foreseen.

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

Information will be shared, if applicable.

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?

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, transfer to the historical archive.

² 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-communications/infographic/infographic-adequacy-decisions-2023-01-11.pdf).

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".