



ACCESS TO DOCUMENTS

DATA PROTECTION NOTICE

The purpose of the processing activity is to ensure the appropriate handling of requests for public access to documents under Regulation (EC) No 1049/2001. Such requests may be lodged by any citizen of the European Union and any natural or legal person residing or having its registered office in a Member State. It is a general duty of the EDPS to comply with Regulation 1049/2001, which enables citizens to participate more closely in the decision-making process and ensures that administration acts with greater legitimacy, efficiency and accountability. The principle of transparency, enabled and enhanced by the Regulation 1049/2001, helps strengthen the principle of democracy and respect for fundamental rights. For the purposes of the Regulation 1049/2001, the EDPS will send acknowledgement of receipts, analyse requests, assess possible disclosure of documents originating from the EDPS or third parties, inform the applicants of the decision to disclose or to refuse the disclosure of documents or information and handle possible confirmatory applications.

In this regard, we process your personal data based on Regulation (EU) 2018/1725 of the European Parliament and of the Council 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 (hereinafter “the Regulation”).

The following information is provided as established in Articles 15 and 16 of the Regulation.

Who is the controller?

The controller is the European Data Protection Supervisor (EDPS). For more information on the EDPS please consult our website: <https://edps.europa.eu>

What personal data do we process and who can access it?

The EDPS processes the name and the contact details of the person requesting the documents and any other personal data submitted by the applicant in the request. In addition, the EDPS processes any personal data that may appear in the requested documents.

Who can access your personal data:

EDPS staff members dealing with the request will have access to the case file containing your personal data on a need-to-know basis. Your personal data are not disclosed outside the EDPS.

Personal data that appear on the requested document may be disclosed to the applicant with an *erga omnes* effect following an assessment under Article 9(1)(b) of the Regulation provided that the data subjects have been informed about the processing and about their right to object (Articles 15-16 and 23 of the Regulation).

Where did we get your personal data?

Personal data are collected directly from the applicants who request public access to documents under Regulation 1049/2001. Personal data that appear in the requested documents have been collected for specific purposes, such as the handling of complaints or for recruitment purposes.

Why do we process your personal data and under what legal basis?

Your personal data are processed by the EDPS to ensure the appropriate handling of requests for public access to documents under Regulation 1049/2001.

The right of access to documents is laid down in Article 15(3) of the Treaty on the Functioning of the European Union, in Article 42 of the Charter of Fundamental Rights of the European Union and more in detail in Regulation (EC) No 1049/2001. In addition, recital 5 of Decision No 1247/2002/EC of the European Parliament, of the Council and of the Commission of 1 July 2002 on the regulations and general conditions governing the performance of the European Data Protection Supervisor, sets out that the EDPS should comply with Regulation (EC) No 1049/2001.

The EDPS respects the provisions of Regulation (EC) No 1049/2001 in accordance with its Rules of Procedure where Article 56 reads as follows: *The public shall have access to documents held by the EDPS in accordance with the principles laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.*

How long do we keep your personal data?

The EDPS stores the case file including your personal data electronically for a maximum of ten years after the closure of the case, or as long as the EDPS is under a legal obligation to do so. After this period, the files are transferred to the EU archives and the disclosed documents are subject to permanent preservation in line with the EDPS retention schedule.

What are your rights regarding your personal data?

You have the right of access to your personal data and to relevant information concerning how we use it. You have the right to rectify your personal data. Under certain conditions, you have the right to ask that we delete your personal data or restrict their use. You have the right to object to our processing of your personal data, on grounds relating to your particular situation, at any time. We will consider your request, take a decision and communicate it to you. For more information, please see Articles 14 to 21, 23 and 24 of the Regulation. Please note that in some cases restrictions under Article 25 of the Regulation may apply.

You can send your request to the EDPS by post in a sealed envelope or use our contact form on the EDPS website (see section on contact details [below](#)).

You have the right to lodge a complaint

If you have any remarks or complaints regarding the way we process your personal data, we invite you to contact the EDPS DPO (see section on contact details [below](#)).

You have, in any case, the right to have recourse to the EDPS as a supervisory authority: https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en.

Contact details for enquiries regarding your personal data

We encourage you to contact us using the EDPS contact form, selecting 'My personal data' as the relevant subject: <https://edps.europa.eu/node/759>

To contact the EDPS DPO directly, please send an e-mail to EDPS-DPO@edps.europa.eu or a letter to the EDPS postal address marked for the attention of the EDPS DPO.

You can reach the EDPS in the following ways:

E-mail: edps@edps.europa.eu

EDPS postal address: European Data Protection Supervisor, Rue Wiertz 60, B-1047 Brussels, Belgium

You can find complete contact information on the EDPS website: https://edps.europa.eu/about-edps/contact_en. For more information about the EDPS DPO, please go to our Data Protection Officer at the EDPS page: https://edps.europa.eu/about/data-protection-within-edps/data-protection-officer-edps_en.

Where can I find out more?

[EDPS register of activities processing personal data](#)