

From: European Data Protection Supervisor
To: [REDACTED]
Sent at: 23/06/20 14:49:19
Subject: C 2020-0487 - D(2020) 1476

Dear [REDACTED],

Please find attached, for your attention, a letter regarding the case in reference.

Kind regards,

EDPS Secretariat



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Email edps@edps.europa.eu

European Data Protection Supervisor

Postal address: Rue Wiertz 60, B-1047 Brussels

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 [@EU_EDPS](https://twitter.com/EU_EDPS)  www.edps.europa.eu

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[REDACTED]
SUPERVISION & ENFORCEMENT UNIT

[REDACTED]

Brussels, 23 June 2020

[REDACTED] D(2020) 1476 C 2020-0487
Please use edps@edps.europa.eu for all
correspondence

CONFIDENTIAL

Dear [REDACTED]

Following the examination of your complaint and its attachments (case 2020-0487), we would like to inform you that your complaint has been declared inadmissible due to the fact that you became aware of the alleged infringement of your right to data protection at some point in time between 2015 and 2016. Indeed, it follows from the judgment of the General Court [REDACTED] [REDACTED], that at the latest by [REDACTED] 2016, when you brought the action before the Court, you were already aware of the fact that your personal data had been communicated to your alleged harassers or their lawyers (paragraph 42 of the judgment). As a result of this alleged breach of the obligation of confidentiality and the rules on the protection of personal data, you claimed to have suffered non material damage (paragraph 69 of the judgment).

In accordance with Article 32(3) of the EDPS Rules of Procedure¹, a complaint should in principle be lodged within two years of the date on which the complainant had knowledge of the facts in question. Given that four years or more have elapsed since you became aware of the facts, the EDPS will not investigate your complaint.

The EDPS has therefore decided to close this case. Please be informed that you can request that the EDPS review his position within one month of receiving this decision. The request for revision should be lodged with the EDPS in writing and contain new factual elements or legal arguments which so far have not been taken into account by the EDPS.

You may also bring an action for annulment against this decision before the Court of Justice of the European Union, within two months of the present and according to the conditions laid

¹ Available at the following link https://edps.europa.eu/sites/edp/files/publication/12-12-17_rules_procedure_en.pdf.

down in Article 263 TFEU. Please note that any request for revision of the present decision lodged with the EDPS does not interrupt this deadline.

Finally, we remain at your disposal for assistance in case you believe that your data protection rights are not respected in the context of the second investigation conducted by the European Parliament under [REDACTED].

Yours sincerely,

(Signed)

[REDACTED]

Deputy Head of Unit

Data Protection Notice

According to Articles 15 and 16 of Regulation (EU) 2018/1725 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, please be informed that your personal data will be processed by the EDPS, where proportionate and necessary, for the purpose of investigating your complaint. The legal basis for this processing operation is Article 57(1)(e) of Regulation (EU) 2018/1725. The data processed will have been submitted by you, or from other sources during the inquiry of your complaint, and this may include sensitive data. Your data will only be transferred to other EU institutions and bodies or to third parties when it is necessary to ensure the appropriate investigation or follow up of your complaint. Your data will be stored by the EDPS in electronic and paper files for up to ten years (five years for prima facie inadmissible complaints) after the case closure, unless legal proceedings require us to keep them for a longer period. You have the right to access your personal data held by the EDPS and to obtain the rectification thereof, if necessary. Any such request should be addressed to the EDPS at edps@edps.europa.eu. Your data might be transferred to other EU institutions and bodies or to any third parties only where necessary to ensure the appropriate handling of your request. You may also contact the data protection officer of the EDPS (EDPS-DPO@edps.europa.eu), if you have any remarks or complaints regarding the way we process your personal data. You can find the full version of our data protection notice on complaint handling at: https://edps.europa.eu/data-protection/our-role-supervisor/complaints-handling-data-protection-notice_en.