

From: European Data Protection Supervisor
<EDPS@edps.europa.eu>
To: [REDACTED]
CC: EDPS-DPO <DPO@edps.europa.eu>
Sent at: 24/07/24 14:04:03
Subject: Your requests of 11/07/2024 & 15/07/2024 (EDPS ref. 2024-0627 & 2024-0637)

Dear Mr [REDACTED]

Please find enclosed a letter signed by the EDPS Secretary-General in reply to your requests of 11/07/2024 and 15/07/2024.

Thank you.

Best regards,

EDPS Secretariat



| Tel. (+32) 228 31900 | Fax (+32) 228 31950 | › Email: edps@edps.europa.eu

European Data Protection Supervisor

Postal address: Rue Wiertz 60, B-1047 Brussels

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EUROPEAN DATA PROTECTION SUPERVISOR



LEONARDO CERVERA NAVAS
SECRETARY-GENERAL

Mr. [REDACTED]
[REDACTED]

Brussels, 24 July 2024
[REDACTED] D(2024) 2440 C 2024-0627&0637
Please use dps@edps.europa.eu for all
correspondence

Subject: your requests of 11 July (our ref. 2024-0627) and 15 July 2024 (our ref. 2024-0637)

Dear Mr. [REDACTED]

We refer to your requests submitted to the EDPS on 11/07/2024 (our ref. 2024-0627) and 15/07/2024 (our ref. 2024-0637) respectively.

1. Scope of requests

We are proceeding these two requests together given their overlap in terms of scope.

More specifically, your request registered in the EDPS case number 2024-0627 refers to '*... all the details about the meeting [EDPS note: the meeting that took place between the EDPS and EUIPO to discuss your complaints against the EUIPO] where obviously EUIPO and EDPS exchanged my personal information*' and then it includes the following '*non-exhaustive list*':

- * *Attendants (eg: name, position, company, etc)*
- * *Location or if it was held remotely the platform used*
- * *Date, hour, duration, etc*
- * *Main points of the meeting*
- * *The calendar invitation used to schedule the meeting*
- * *Emails exchanged between all parts to agreed on the meeting*
- * *Etc*

Your other request registered under the EDPS case 2024-0637, '*in the light of the recent case C-740/22*', refers to '*all details of orally disclosed personal data together with all related information (meeting/phone call, informal coffee break, etc.) that allows me to understand all data processing activities.*' and it includes the following '*non-exhaustive list*', namely:

- '1. *Orally disclosed data;*

2. *Kind of meeting (coffee break, scheduled meeting, etc) ;*
3. *Attendants (eg: name, position, company, etc);*
4. *Location or if it was held remotely the platform used and all related information;*
5. *Date, hour, duration, etc.;*
6. *Main points of the meeting;*
7. *The calendar invitation used to schedule the meeting;*
8. *Emails exchanged between all parts to agreed on the meeting;*
9. *etc.'*

2. Deadline

The EDPS acknowledged receipt of your request number 2024-0627 on 16/07/2024. The receipt of the request number 2024-0637 was acknowledged by the EDPS on 17/07/2024. You were also informed about the following applicable deadlines for our reply:

- your request number 2024-0627: 12/08/2024
- your request number 2024-0637: 16/08/2024

Furthermore, you were also informed that this deadline may be extended by two further months where necessary.

3. Analysis of and reply to your requests

In accordance with Article 17 of Regulation (EU) 2018/1725 ('the Regulation') you have the right to obtain from the EDPS '*confirmation as to whether or not personal data concerning you are being processed, and, where that is the case, access to the personal data [...]*'.

This right of access extends to your personal data, as defined in Article 3(1) of the Regulation: '*personal data*' means '*any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.*'

a) Scope of the access request

We kindly submit that the following elements mentioned in your request:

- '*Kind of meeting (coffee break, scheduled meeting, etc) ;*'
- '*Attendants (eg: name, position, company, etc)*'
- '*Location or if it was held remotely the platform used*' [and] '*Location or if it was held remotely the platform used and all related information;*'
- '*Date, hour, duration, etc*'
- '*The calendar invitation used to schedule the meeting*'

are not your personal data, since this information does not relate to you as an individual.

With respects to the following part of your request '*Emails exchanged between all parts to agreed on the meeting*', we would like to recall that, where those email exchanges contained your personal data, a copy of your personal data was provided in the EDPS' replies to your previous requests. Please refer to the EDPS replies in the following case files through which your requests were handled: 2023-0583, 2023-1162, 2024-0079, 2024-0285; 2024-0432.

b) Personal data and Case C-740/22

Regarding the following part of your request: '*orally disclosed personal data*', in our view, the conclusions of the Court of Justice of the EU (CJEU) ruling you are referring to, namely the Case C-740/22, are not applicable in your case. The EDPS processed/es your personal data in order to handle your requests (e.g. complaints or access to personal data requests or access to documents requests). The CJEU ruling refers to a very different situation, as it concerned the refusal of a national court to orally communicate data relating to criminal convictions concerning an individual to a third party.

In addition, we would like to clarify that during meetings organised to address your requests to the EDPS, only relevant parts of your personal data contained within the EDPS case files you are aware of were discussed. These discussions aimed to gain a clearer understanding of specific aspects of your requests. We assure you that no personal data outside of those EDPS case files were discussed orally. Your requests are handled within these case files and you have already been provided by us with copies of your personal data included therein in accordance with your requests.

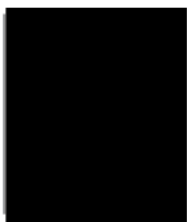
4. Information on processing of personal data and rights

We would like to inform you that the EDPS does not intend to further process your personal data for a purpose other than that for which the personal data were obtained. For more information on the processing of your personal data as well as your rights, we invite you to refer to our data protection notice attached for your convenience in Annex 1.

Please note that you have the right to lodge a complaint to the EDPS, as supervisory authority, as provided in Article 63 of the Regulation. You also have the right to an effective judicial remedy as provided in Article 64 of the Regulation.

For any further correspondence, please refer to the case reference numbers 2024-0627 and 0637.

Best regards,



Digitally signed.

Date: 2024-07-24

10:59:01 UTC

Leonardo CERVERA NAVAS
Secretary-General

Copy: EDPS Data Protection Officer

ENCLOSURES

Annex 1: Data protection notice



EUROPEAN DATA PROTECTION SUPERVISOR



Data Protection Notice

According to Articles 15 and 16 of Regulation (EU) 2018/1725 (the Regulation), we are processing your personal data in order to reply to your request. The controller is the European Data Protection Supervisor (EDPS). The legal basis for this processing operation is Article 5(1)(b) of the Regulation, since processing is necessary for compliance with a legal obligation to which the EDPS is subject. The data processed include your contact details, your request, as well as personal data that might be collected during the investigation of your request. For the EDPS, case handlers, administrative staff and hierarchy involved in the request handling will have access to the case file containing your personal data on a need-to-know basis. All access to case files is logged. 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 request. Your data will be stored by the EDPS in electronic files for up to five years after the case closure, unless legal proceedings require us to keep them for a longer period.

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 its use. 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. Any request to exercise your rights should be addressed to the EDPS at edps@edps.europa.eu. You may also contact the data protection officer of the EDPS (DPO@edps.europa.eu), if you have any remarks or complaints regarding the way we process your personal data. You have the right to lodge a complaint with the EDPS, as supervisory authority. Any such request should be addressed to the EDPS at edps@edps.europa.eu. 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.

For more information on how EDPS processes personal data consult: 'When the EDPS processes your personal data' (https://edps.europa.eu/about-edps/data-protection-edps_en).

**EUROPEAN
DATA
PROTECTION
SUPERVISOR**

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