



**[MODEL GENERIC PRIVACY STATEMENT – REVISION OF 30 JANUARY 2019]**

**NB: TEXT IN RED SHALL BE DELETED**

THE TEXT IN RED PROVIDES YOU WITH GUIDANCE ON HOW TO FILL IN THIS TEMPLATE. IT SERVES TO REMIND YOU OF THE LEGAL OBLIGATIONS RELATED TO YOUR ROLE AS DATA CONTROLLER, AS WELL AS TO HELP YOU ADAPT THE STANDARD TEXT SO THAT THE INFORMATION CONTAINED IN THE PRIVACY STATEMENT IS EXTENSIVE AND CORRESPONDS TO THE PARTICULARITIES OF THE RELEVANT PROCESSING OPERATION. AFTER YOU HAVE COMPLETED THE DRAFTING OF THE PRIVACY STATEMENT, YOU SHOULD ERASE THE GUIDANCE TEXT AND MAKE SURE THAT IT DOES NOT APPEAR IN THE FINAL VERSION THAT YOU WILL PROVIDE TO THE DATA SUBJECTS.

As data controller, you are reminded about your obligations in relation to [Regulation \(EU\) 2018/1725](#). In particular vis-a-vis the data subjects. You need to take appropriate measures to provide any information and any communication to the data subjects in a clear, transparent and concise form, and to facilitate the exercise of rights for the data subjects as indicated in article 14. Additionally, you need to provide the data subjects with all the necessary information as described in articles 15 and 16 in order to ensure a fair and transparent processing. You must ensure this information is provided to the data subjects at the very beginning of the processing of their personal data.

For this reason, you must make the privacy statement available to the data subjects at the outset when you collect the data directly from them (article 15) or when the data are not collected directly from the data subjects (article 16), you must ensure to communicate it within the time period specified in article 16.3(a)-(c).

It is crucial that you make the privacy statement visible and easily accessible to the data subjects. It should be provided in the most appropriate format and place (e.g. published on the relevant website, provided as part of the online form that the data subjects have to fill in, or in the acknowledgment of receipt when a data subject exercises his/her rights via an email, etc.). You should also ensure that the data subjects are adequately directed towards the privacy statements location in order to become aware of it.

Note also that the information in the privacy statement must be consistent with the relevant sections of the record of the processing operation in the Data Protection Records Management System (DPMS). Please verify that the information contained in both documents is the same before submitting the record and privacy statement.

## PROTECTION OF YOUR PERSONAL DATA

This privacy statement provides information about the processing and the protection of your personal data.

Processing operation: [*'Title'*]

Data Controller: [*Name of Directorate-General/ Directorate/ unit responsible (entity)*]

Record reference: [*DPR-EC-00100*]

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## 1. Introduction

The European Commission (hereafter ‘the Commission’) is committed to protect your personal data and to respect your privacy. The Commission collects and further processes personal data pursuant to [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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

The information in relation to processing operation “[*indicate the title of the Record”. If appropriate, give also a short explanation of the title unless it is self-explanatory*] undertaken by [*indicate the Data Controller, i.e. the organisational entity responsible for the processing like the DG/ Directorate/Unit which has determined the purpose(s) and the means of the processing of personal data. Do not indicate the name of the e.g Head of Unit.*] is presented below.

## 2. Why and how do we process your personal data?

[*Record section 'Purpose'*]

Purpose of the processing operation: [*Indicate the Data Controller i.e. the organisational entity*] collects and uses your personal information to [*explain the purpose of the processing including the possibility to process the data for another compatible purpose*].

[*Provide a brief description of the processing operation*]

[*Include one of the following statements, as appropriate:*

Your personal data will not be used for an automated decision-making including profiling. [OR]

Your data will be used for an automated decision-making, including profiling. [*In this case, also provide meaningful information about the logic of the automated decision-making, as well as the significance and envisaged consequences of such processing for the data subjects. If the data subjects will be subject to a decision based solely on automated processing, including profiling, explain how such processing complies with Article 24(2)-(4) of Regulation (EU) 2018/1725.*]

## 3. On what legal ground(s) do we process your personal data

[*Record section 'Compliance checklist', part 2*]

[*Provide information about the legitimacy (legal basis) of the processing. Specify which sub-paragraph(s) of Article 5(1) of Regulation (EU) 2018/1725, **lawfulness of processing**, that apply(ies). Keep only the sub-paragraphs, which are relevant for your processing:*

*We process your personal data, because:*

(a) *processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body;*

*(b) processing is necessary for compliance with a legal obligation to which the controller is subject;*

*(c) processing is necessary 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;*

*(d) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;*

*(e) processing is necessary in order to protect the vital interests of the data subject or of another natural person.*

*[In case you have indicated Article 5(1)(a) and/or (b) of Regulation (EU) 2018/1725 as grounds for processing, please indicate which Union law(s) is (are) the basis for such processing.]*

*[If you process **special categories of personal data**, Article 10 of Regulation (EU) 2018/1725 applies. In that case, please:*

*(1) indicate that (a) special category(ies) of personal data is (are) being processed,*

*(2) explain which sub-paragraph of Article 10(2) of Regulation (EU) 2018/1725 applies for that processing, and*

*(3) provide a brief explanation of that processing. Keep only the sub-paragraphs, which are relevant for your processing:]*

*We process special categories of personal data indicated in Section 4, because:*

*(a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union law provides that the prohibition referred to in paragraph 1 may not be lifted by the data subject;*

*(b) the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law insofar as it is authorised by Union law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;*

*(c) the processing is necessary to protect the vital interests of the data subject or of another person where the data subject is physically or legally incapable of giving consent;*

*(d) the processing is carried out in the course of its legitimate activities with appropriate safeguards by a non-profit-seeking body which constitutes an entity integrated in a Union institution or body and with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of this body or to persons who have regular contact with it in connection with its purposes and that the data are not disclosed outside that body without the consent of the data subjects;*

*(e) the processing relates to personal data which are manifestly made public by the data subject;*

*(f) the processing is necessary for the establishment, exercise or defence of legal claims or whenever the Court of Justice is acting in its judicial capacity;*

*(g) the processing is necessary for reasons of substantial public interest, on the basis of Union law which shall be proportionate to the aim pursued, respect the essence of the right to data*

protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

(h) the processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

(i) the processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of healthcare and of medicinal products or medical devices, on the basis of Union law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy; or

(j) the processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes based on Union law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

#### **4. Which personal data do we collect and further process?**

In order to carry out this processing operation [*the Data Controller, i.e. the organisational entity*] collects the following categories of personal data:

*[If you collect personal data directly from the data subject, Article 15 of Regulation (EU) 2018/1725 applies. In such cases include one of the following two statements, as appropriate [cf. Article 15(2)(e):]*

The provision of personal data is not mandatory. *[OR]*

The provision of personal data is mandatory to meet a *[statutory]/ [contractual]* requirement *[indicate which in particular]*. If you do not provide your personal data, possible consequences are *[specify]*.

*[If you do not collect the personal data from the data subject, but from other sources, Article 16 applies. Consequently, please include the following statement:]*

We have obtained your personal data from *[specify type of source, and if applicable indicate whether it came from publicly accessible sources]*.

*[In case you collect personal data both from the data subject AND from other sources, you have to include the information relevant for Articles 15 AND 16 of Regulation (EU) 2018/1725 as indicated above.]*

*[Definition: personal data = any information relating to an identified or identifiable natural person, for example:*

- Name;
- Function;
- Contact details (e-mail address, telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, IP address, etc.);
- Bank account reference (IBAN and BIC codes), VAT number, passport number, ID number;

- *Information for the evaluation of selection criteria or eligibility criteria: expertise, technical skills and languages, educational background, professional experience, including details on current and past employment;*
- *Other types of data specific to the processing operation. Be aware that some are possibly sensitive data subject to specific rules (see Articles 10 and 11 of Regulation (EU) 2018/1725).]*

#### **5. How long do we keep your personal data?**

*[Record section ‘Retention period’]*

*[The Data Controller, i.e. the organisational entity] only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for [indicate the retention period and any modalities of its application (e.g. from which event does the administrative retention period start to run) as specified in the relevant Record. Please ensure that you align the retention period with the Common Commission-Level Retention List].*

#### **6. How do we protect and safeguard your personal data?**

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored either on the servers of the European Commission or of its contractors *[only include reference to contractors in the event a contractor exists, otherwise erase the reference]*. All processing operations are carried out pursuant to the [Commission Decision \(EU, Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

The Commission’s contractors are bound by a specific contractual clause for any processing operations of your data on behalf of the Commission, and by the confidentiality obligations deriving from the transposition of the General Data Protection Regulation in the EU Member States (‘GDPR’ [Regulation \(EU\) 2016/679](#)) *[include this paragraph only in the event a contractor exists]*.

In order to protect your personal data, the Commission has put in place a number of technical and organisational measures in place. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

#### **7. Who has access to your personal data and to whom is it disclosed?**

*Record section ‘Recipients’, ‘International Data Transfers*

Access to your personal data is provided to the Commission staff responsible for carrying out this processing operation and to authorised staff according to the “need to know” principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

*[If applicable, indicate the recipients/or categories of recipients of the data i.e. a natural or legal person, public authority, agency or another body to which personal data are disclosed, whether a third party or not. They could be internal or external entities, including processors e.g. contractors.]*

*[In case you foresee publication of the personal data, indicate this and specify to what extent you will publish personal data.]*

*[If applicable, specify if web services using third party tools are foreseen. Describe the ways the website will process personal data including the use of cookies and social media.]*

*[If you intend to **transfer personal data** to recipients in a third country or international organisation, please indicate:*

The controller will transfer your personal data to the following recipients in a third country or to an international organisation in accordance with Regulation (EU) 2018/1725: *[Indicate all categories of recipients, except for EC staff.]*

The controller will transfer your personal data based on: *[specify the legal ground for the transfer by selecting the relevant paragraph below as applicable]*

- *adequacy decision of the Commission for a specific country / commercial sector (Article 47 of Regulation (EU) 2018/1725) [or in the absence of this],*
- *[explain that there is no adequacy decision for the respective third countries / commercial sectors and indicate] appropriate safeguards (Article 48 of Regulation (EU) 2018/1725) [provide (1) reference to the appropriate safeguards and (2) the means by which a data subject can obtain a copy of them / or indicate where they have been made available]; [or in the absence of this],*
- *[explain that there is no adequacy decision for the respective third countries / commercial sectors, explain why there are no appropriate safeguards for transfer and indicate derogation(s) for the specific situation(s)].*

*[Please note that pursuant to Article 3(1) of Regulation (EU) 2018/1725 public authorities (e.g. Court of Auditors, EU Court of Justice) which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing. If applicable, a specific clause about **investigations, including legal requests from public authorities**, should be included, e.g.:*

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.]

## **8. What are your rights and how can you exercise them?**

*[Record 'Information to Data Subjects on their Rights, see Article 13-19 of Regulation (EU) 2018/1725.]*

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, rectify or erase your personal data and the right to restrict the processing of your personal data. Where applicable, you also have the right to object to the processing or the right to data portability.

*[If you have indicated under Heading 3 (legal grounds for processing) that your processing is lawful pursuant to Article 5(1)(a) of Regulation (EU) 2018/1725, i.e. that your 'processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body', please include the following text:]*

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a). *[If applicable, indicate if your processing relates to automated decision-making, including profiling (Article 24(2)(b) of Regulation (EU) 2018/1725)].*

*[If you have indicated under Heading 3 that your processing is lawful, because it is based on CONSENT of the data subjects (Article 5(1)(d)), then include:*

*You have consented to provide your personal data to [indicate the Data Controller, i.e. the organisational entity] for the present processing operation. You can withdraw your consent at any time by notifying the Data Controller. The withdrawal will not affect the lawfulness of the processing carried out before you have withdrawn the consent.]*

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

## **9. Contact information**

### **- The Data Controller**

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller, *[indicate controller entity, and (ONLY) functional mailbox)].*

### **- The Data Protection Officer (DPO) of the Commission**

You may contact the Data Protection Officer ([DATA-PROTECTION-OFFICER@ec.europa.eu](mailto:DATA-PROTECTION-OFFICER@ec.europa.eu)) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

### **- The European Data Protection Supervisor (EDPS)**

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

## **10. Where to find more detailed information?**

The Commission Data Protection Officer (DPO) publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You may access the register via the following link: <http://ec.europa.eu/dpo-register>.

This specific processing operation has been included in the DPO's public register with the following Record reference: *[add Record reference number e.g. **DPR-EC-00100** (do **not** include the versioning e.g. **DPR-EC-00100.4**)].*