



## PROTECTION OF YOUR PERSONAL DATA

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

### **1. Introduction**

The European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (hereafter, 'eu-LISA') is committed to protect your personal data and to respect your privacy. eu-LISA 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.

The information in relation to processing operation "*Data Protection (DP) Complaint procedure*" undertaken by the Data Protection Officer (DPO) is presented below.

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

The DPO collects and uses your personal information to allow you (i.e. data subject), who have your personal data being processed by eu-LISA, to lodge a complaint with the DPO if eu-LISA's actions directly affects or violates your rights related to the protection of your personal data due to those actions. Personal data will be processed for handling such complaints submitted to the DPO.

In accordance with the procedure, any data subject, or a person who has the legal capacity to act on the data subject's behalf may address a complaint to the responsible staff or to the DPO in writing, orally or by submitting a complaint by other written means of his/her choice.

The complaint form available on eu-LISA website (<https://www.eulisa.europa.eu/Activities/Data-Protection/Data-Subject-Rights>) and on the Intranet (in the following path: T:\COMMON\DATA PROTECTION\Make a Complaint).

The personal data collected (name, surname, contact details) allows the DPO to identify the data subject and to contact him/her in case additional clarification is required. At any stage of the procedure, eu-LISA DPO may request the data subject to submit additional information, documentation or clarification.

No information will be disclosed to any internal or external third party, unless it is necessary to handle the complaint. After the case is investigated and closed, the personal data will be kept for a period of two years.

If the data subject is unsatisfied by the reply provided by eu-LISA Data Protection Officer, he/she has the right to recourse at any time to the European Data Protection Supervisor. In this situation, eu-LISA's DPO will have to transfer the case to the EDPS.

## PUBLIC

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

Your personal data processed may be reused for the purpose of procedures before the EU Courts, national courts, or the European Court of Auditors.

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

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 eu-LISA, including because it might be necessary for the management and functioning of the Agency, in particular, based on the following legal acts:

- Complaints to DPO: Article 14 of Decision No 2019-185 of the Management Board of eu-LISA on implementing rules concerning the Data Protection Officer pursuant to Article 45(3) of Regulation (EU) No 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.
- Right to lodge a complaint with the EDPS: Article 63(1) of Regulation (EU) 2018/1725. For more information: [https://edps.europa.eu/data-protection/our-role-supervisor/complaints\\_en](https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en).
- For complaints submitted by Union Staff: Article 68 of Regulation (EU) 2018/1725 is applicable.

(d) the data subject has given consent to the processing of his or her personal data for one or more specific purposes; taking into account the object of the complaint and for further investigative actions, data subject is free to share additional information if it is relevant to solve the inquiry, and as might be required for handling the complaint and investigation.

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

In order to carry out this processing operation DPO collects the following categories of personal data

- Name, contact details and affiliation (such as name, surname and contact details).
- Any other relevant data contained in documents and files that are submitted / consulted / accessed / collected regarding the object of the complaint and further investigative actions, as the data subject is free to share additional information if it is relevant to solve the inquiry, and as might be required for handling the complaint and investigation.

The provision of identification and contact data is mandatory for the purpose of identifying data subjects without prejudice of additional data that might be required for identity verification purposes and for keeping contact with data subjects while handling their complaints and further investigative actions.

Taking into account the object of the complaint and for further investigative actions, data subject is free to share additional information if it is relevant to solve the inquiry, and as might be required for handling the complaint and investigation.

The processing of sensitive personal data is not the main purpose of this processing activity. Nevertheless, in case special categories of data are submitted along with the complaint to the

DPO, the latter will assess the necessity and proportionality of processing such data for the purpose of handling the complaint.

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

DPO only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for the time necessary for handling the complaint and further investigation and an additional 2-year period as a mean of proof if further investigation is required, unless legal proceedings require keeping them for a longer period. After that period the file may be transferred to the Historical Archives.

When determining the maximum retention periods, the Agency takes also into account possible legal recourses, legal, auditing, archiving and reporting obligations.

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

Access to your personal data is provided to eu-LISA 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 you (i.e., the data subject) are unsatisfied by the reply provided by eu-LISA Data Protection Officer, you have the right to recourse at any time to the European Data Protection Supervisor (EDPS) in line with Section 7 bellow. In this situation, eu-LISA’s DPO will have to transfer the case to the EDPS.

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.

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

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.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a).

You have consented to provide your personal data to the DPO 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.

**8. Contact information:**

**- The Data Controller/ The Data Protection Officer of eu-LISA**

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, [dpo@eulisa.europa.eu](mailto:dpo@eulisa.europa.eu).

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

## PUBLIC

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.