

## **Data Protection Statement on processing personal data in the context of the European Qualifying Examination, in so far as it is conducted in electronic form**

Protecting your privacy is of the utmost importance to the European Patent Office ('EPO'). The Office is committed to respecting and protecting your personal data and ensuring your rights as a data subject. All data of a personal nature that identifies you directly or indirectly will be handled fairly, lawfully and with due care.

This processing operation is subject to the Guidelines for the Protection of Personal Data in the European Patent Office.

The information in this communication is given pursuant to Articles 13 and 14 of the Guidelines.

### **1. What is the nature and purpose of the processing operation?**

Personal data are to be processed in order to identify candidates of the European Qualifying Examination, to accurately associate candidates' examination answers, to ensure that the examination is conducted properly (including technical support to the candidates by the EPO master users) and attempts of fraudulent behaviour are prevented or proven.

Your personal data are to be shared by the EPO with a Data Processor (i.e. the external service provider UNIwise ApS). The Data Processor provides a service maintenance and support, which is necessary to enable the electronic-form European Qualifying Examination.

### **2. What personal data do we process?**

The categories of personal data processed are as follows:

- First Name
- Surname
- Email address
- Telephone number
- Webcam captures
- Facial images
- Audio
- Biometric data produced from webcam and audio captures
- Preferred language
- Civil registration number
- IP address
- Test and exam scores and results
- Content of the communication (chat) between the candidate and the Examination Committee member, who acts as invigilator during the examination.

### **3. Who is responsible for processing the data?**

The delegated controller is the Examination Secretariat in the Directorate Patent Academy and EQE.

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

The personal data is disclosed, on a need to know basis, to the following recipients:

- the EPO's staff members of the Examination Secretariat;

- members of the Examination Committees and the Examination Board;
- EPO authorised users (`master` users)
- Administrators of the WISEflow platform at UNIWise

Zendesk as the subprocessor of UNIWise will have access to the data of the EPO `master` users for the management of ticketing of incidents (if the case may be), and to the following data of the candidates and the members of the Examination Committees for the bidirectional communication channel (chats) during the examination:

- First Name
- Surname
- Email address
- Preferred language
- IP address
- Content of the communication (chat) between the candidate and the Examination Committee member, who acts as invigilator.

AWS Amazon (Ireland) are providing the hosting service for the processor UNIWise.

Among the above listed personal data, only facial images, audio and biometric data produced from webcam and audio captures are processed by AWS Amazon for the purpose of the AI-based invigilation, while all others are merely hosted and stored in their system in an encrypted form.

## **5. How do we protect and safeguard your information?**

We take appropriate technical and organisational measures to safeguard and protect your personal data from accidental or unlawful destruction, loss, alteration and unauthorised disclosure or access.

The EPO has pre-configured the access rights in order to make sure that the personal data is protected and that all possible measures have been taken to safeguard the confidentiality, integrity and availability of the information within the tool.

UNIWise has pre-configured restricted access and committed to comply themselves and ensure the compliance of their sub-processors with the data protection rules and requirements in a specific data processing agreement.

## **6. How can you access your personal information and, if necessary, correct it? How can you receive your data? How can you request that your personal data be erased, or restrict or object to its processing?**

You have the right to access, rectify, erase and receive your personal data, as well as restrict its processing or object to the same, as provided in Articles 14 of the Guidelines.

If you would like to exercise any of these rights, please send a written query explicitly stating your request to the data controller, at the following email address: [helpdesk@eqe.org](mailto:helpdesk@eqe.org).

Your request will be answered within 3 months of receipt of the request. However, according to Article 14(7) of the Guidelines, this period may be extended, taking into account the complexity and number of requests. The Office will inform you of any such extension.

## **7. What is the legal basis for processing your data?**

Personal data is processed in accordance with Article 5(a) of the Guidelines, which states that 'processing is necessary for the performance of a task carried out in the legitimate interest of the official authority vested in the European Patent Office'.

Personal data is collected and processed in accordance with the following legal instrument: Regulation on the European Qualifying Examination (Supplementary publication 2 – Official Journal EPO 2019).

## **8. How long can data be kept?**

Personal data processed by the data controller or the service providers under its supervision are generally stored for the period of time necessary to achieve the purpose for which they have been processed.

Provided they are not relevant to an enrolment for a subsequent examination, the personal data will be deleted from the EPO, the processor's and sub-processors' systems in maximum 30 months after the examination, or the conclusion of appeal proceedings, if any exist in relation to the examination.

The content of the communication (chat) between the candidates and the invigilators, or EPO 'master' users, is retained by the sub-processor Zendesk for 120 days.

Facial images, audio and biometric data produced from webcam and audio captures will be deleted by the processor's and sub-processors' systems after 6 months.

In a case of suspected misconduct and/or appeal, the data, which are mentioned above as being retained by the processor and the sub-processors for a short period, will be copied and retained by the EPO for the longer period up to 30 months.

## **9. Contact information**

Should you have any queries on the processing of your personal data, please address them to the data controller at the following email address: [helpdesk@eqe.org](mailto:helpdesk@eqe.org).

You may consult the EPO Data Protection Officer at: [dpo@epo.org](mailto:dpo@epo.org).