

## **Data protection statement on the processing of personal data in the context of the European Publication Server**

Protecting your privacy is of the utmost importance to the European Patent Office (EPO). We are committed to protecting your personal data and ensuring respect for data subjects' rights when performing our tasks and providing our services. All data of a personal nature that identify you directly or indirectly will be processed lawfully, fairly and with due care.

The processing operations described below are subject to the EPO Data Protection Rules ([DPR](#)).

The information in this statement is provided in accordance with Articles 16 and 17 DPR.

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

This statement refers to the processing of personal data in the context of European Publication Server.

The European Patent Office (EPO) publishes patent documents by decision of the President of the EPO published in the EPO Official Journal of February 2005, and the European Publication Server has been the sole legally authoritative publication medium for European A and B documents since 1 April 2005. All documents are available for public access from any location free of charge on their day of publication.

Patent publication data is prepared during the Patent Grant procedure, and subsequently distributed via the European Publication Server.

In addition to the above mentioned patent data processing, additional processing is undertaken in order to provide service usage analytics and ensure correct service functioning.

Therefore, in the scope of this activity, the EPO processes personal data for the purposes of:

- Online distribution of published European Patent documents
- Service usage analytics, and ensuring correct service functioning

The processing is not intended to be used for any automated decision-making, including profiling.

Your personal data will not be transferred to recipients outside the EPO that are not covered by Article 8(1), (2) and (5) DPR unless an adequate level of protection is ensured. In the absence of an adequate level of protection, a transfer can only take place if appropriate safeguards have been put in place and enforceable data subject rights and effective legal remedies for data subjects are available, or if derogations for specific situations as per Article 10 DPR apply.

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

The following categories of personal data are processed for EPO employees and externals (not all categories are processed for every data subject):

- Patent Process-related data: patent record bibliographic and meta data, personal data potentially included within the content of patent procedure-related information and publications;
- Browsing information: browser type, browsing time, IP address, website history, cookie information and network interaction history;
- Network / application interaction data : session details, session content, session metadata.

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

Personal data are processed under the responsibility of the Principal Director of the Patent Intelligence Principal Directorate acting as delegated EPO data controller.

Personal data may be processed by external service providers supporting the EPO.

The EPO takes all the appropriate safeguards in order to guarantee that the service provider will follow the EPO instructions on how to process your personal data in compliance with data protection requirement.

### **4. Who has access to your personal data and to whom are they disclosed?**

The patent record content can be made available to anyone who uses the services of the European Publication Server. These users may be worldwide.

If necessary to perform its tasks, non-patent personal data may be shared on a need-to-know basis with staff undertaking duties in the following areas of the EPO and external contractors: Patent Intelligence, BIT, DG1 and senior EPO management (Observatory on Patents and Technology, VP5 Office, President Office, CGS, MAC), external contractors working for the aforementioned areas of the EPO.

Personal data may be disclosed to third-party service providers for maintenance and support purposes.

Personal data will only be shared with authorised persons responsible for the corresponding processing operations and are not used for any other purposes or disclosed to any other recipients.

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

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

All personal data are stored in secure IT applications in accordance with the EPO's security standards. Appropriate levels of access are granted individually only to the above-mentioned recipients.

For systems hosted on EPO premises, the following basic security measures apply:

- user authentication and access control (e.g. role-based access control to the systems and network, principles of need-to-know and least privilege)
- logical security hardening of systems, equipment and network
- physical protection: EPO access controls, additional access controls to datacentre, policies on locking offices
- transmission and input controls (e.g. audit logging, systems and network monitoring)
- security incident response: 24/7 monitoring for incidents, on-call security expert

In principle, the EPO has adopted a paperless policy management system. However, if paper files containing personal data need to be stored on EPO premises, they are locked in a secure location with restricted access.

For personal data processed on systems not hosted on EPO premises, the providers processing the personal data have committed in a binding agreement to comply with their data protection obligations under the applicable data protection legal frameworks. These systems are required to have implemented appropriate technical and organisational measures such as: physical security measures, access and storage control measures, securing data at rest (e.g. by encryption); user, transmission and input control measures (e.g. network firewalls, network intrusion detection system (IDS), network intrusion protection system (IPS), audit logging); conveyance control measures (e.g. securing data in transit by encryption).

## **6. How can you access, rectify and receive your data, request that your data be erased, or restrict/object to processing? Can your rights be restricted?**

As a data subject, you have the right to access, rectify and receive your personal data, not to be subject to a decision based solely on automated processing, to have your data erased and to restrict and/or object to the processing of your data (Articles 18 to 24 DPR).

If you would like to exercise any of these rights, external users should write to [DPOexternalusers@epo.org](mailto:DPOexternalusers@epo.org), otherwise contact the delegated data controller at [PDPatentIntelligence-DPL@epo.org](mailto:PDPatentIntelligence-DPL@epo.org). In order to enable us to respond more promptly and precisely, you always need to provide certain preliminary information with your request. We therefore encourage you to fill in this [form](#) (for externals) or this [form](#) (for internals) and submit it with your request.

We will reply to your request without undue delay and in any event within one month of receiving it. However, Article 15(2) DPR provides that this period may be extended by two further months where necessary in view of the complexity and number of requests received. We will inform you of any such delay.

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

Personal data is processed on the basis of:

Article 5(a) of the DPR, i.e. 'processing is necessary for the performance of a task carried out in the exercise of the official activities of the European Patent Organisation or in the legitimate exercise of the official authority vested in the controller, which includes the processing necessary for the Office's management and functioning'.

## **8. How long do we keep your data?**

The EP publications in the European Publication Server are public data, and therefore the data is not deleted.

User data is retained for up to 7 years after it can be reasonably expected that there is no immediate operational need anymore.

In the event of a formal appeal/litigation, all data held at the time when the formal appeal/litigation was initiated will be kept until the proceedings have been concluded.

## **9. Contact information**

External data subjects who have any questions about the processing of their personal data should contact the Data Protection Officer and/or the delegated data controller at [DPOexternalusers@epo.org](mailto:DPOexternalusers@epo.org).

EPO employees should contact the delegated data controller at [PDPatentIntelligence-DPL@epo.org](mailto:PDPatentIntelligence-DPL@epo.org).

Internals may also contact the Data Protection Officer at [dpo@epo.org](mailto:dpo@epo.org), while externals may contact our Data Protection Officer at [DPOexternalusers@epo.org](mailto:DPOexternalusers@epo.org).

## **Review and legal redress**

If you consider that the processing infringes your rights as a data subject, you have the right to request review by the controller under Article 49 DPR and, if you disagree with the outcome of the review, the right to seek legal redress under Article 50 DPR.