

## **Data protection statement<sup>1</sup> on the processing of personal data in the organisation of the meetings of the US Bar-EPO Liaison Council**

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.

The US Bar-EPO Liaison Council is a forum to facilitate exchange between the EPO and US applicants. It serves to increase mutual understanding of European and US patent practice, and update members on recent developments on both sides of the Atlantic. In the context of this exchange, personal data is processed during the organisation of meetings of the US Bar-EPO Liaison Council at the EPO.

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

This data protection statement explains the way in which personal data is processed in relation to meetings between the US Bar-EPO Liaison Council and the EPO.

Personal data necessary for the organisation of these meetings is provided by the US Bar-EPO Liaison Council Chair. This information is used to manage all aspects related to the meeting from planning to follow-up. This includes dispatching the agenda for the meeting, sending presentations, minutes resulting from the meeting as well as the organisation of any meal, should one take place, with the possible collection of dietary requirements on a voluntary basis. Some information is shared with internal stakeholders and participants. The list of US delegates could also be used to identify US candidates for the Standing Advisory Committee before the European Patent Office (SACEPO). Technical support might necessitate processing by external stakeholders.

The purpose of the meetings is to allow informal exchanges between the EPO and US applicants with a view to increasing mutual understanding of European and US patent practice and to update members on developments on both sides of the Atlantic.

This encompasses:

- setting up physical and virtual meetings
- keeping track of previous exchanges and of their related context
- planning future events
- maintaining a database of experts in US patent law for future consultation, including for possible involvement in SACEPO

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 which are not covered by Article 8(1), (2) and (5) DPR unless an adequate level of protection is ensured. In the absence of an

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<sup>1</sup> Version of April 2023.

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 might be processed:

- identification and contact details (mainly name, email address, job title and company entity, as well as the association which is represented)
- role in the process (e.g. US Bar-EPO Liaison Council member or EPO participant)
- information related to the meeting:
  - o personal data included in the CVs of US Bar-EPO Liaison Council members
  - o any information, written and oral contributions, documents shared with US Bar-EPO Liaison Council
  - o personal data included in exchanges
  - o in case of physical meeting, possibly dietary requirements
- ticket-related information (Case Management System)

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

Personal data are processed under the responsibility of PD 5.2 Legal Affairs acting as the EPO's delegated data controller.

Personal data are processed by the EPO staff from PD 5.2 Legal Affairs responsible for organising the meetings of the US Bar-EPO Liaison Council referred to in this statement.

External contractors involved in providing a platform for virtual meetings and providing services for the organisation of meetings, including Microsoft, may also process personal data, which can include accessing it.

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

Personal data are accessed by the staff working in Directorate D 5.2.1 Patent Developments and IP Lab, who are responsible for organising the meetings of the US Bar-EPO Liaison Council.

Personal data are disclosed on a need-to-know basis to the President of the EPO, Senior managers in the Office, i.e. the Vice-Presidents of DG1 and DG5, as well as any EPO employees from other departments that are contributing to the meeting (usually from DG1 and DG5). Personal data will also be shared with the Chair of the US Bar-EPO Liaison Council.

Personal data may be disclosed to third-party service providers, including Microsoft, OpenText and Thomson Reuters for the purpose of providing services necessary for the organisation of the meetings, and for providing a platform for virtual meetings.

Personal data will only be shared with authorised persons responsible for the necessary processing operations. They will not be 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 and organisational measures to safeguard and protect your personal data from accidental or unlawful destruction, loss or 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 generally 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 a 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. The EPO has also carried out a privacy and security risk assessment.

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?**

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).

The right to rectification can only apply to inaccurate or incomplete factual data processed in the context of the EPO's tasks, duties and activities; it does not apply to subjective statements, including ones made by third parties.

If you would like to exercise any of these rights, please write to the delegated data controller via the Data Protection Office at [DPOexternalusers@epo.org](mailto:DPOexternalusers@epo.org), the EPO's point of contact for external data subjects. EPO employees should directly contact [PDLegalAffairs-DPL@epo.org](mailto:PDLegalAffairs-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 receipt of the request. 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 are processed on the basis of Article 5 DPR(a) 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?**

Personal data will be kept only for the time needed to achieve the purposes for which it is processed.

Excel tables containing contact data will be deleted after 10 years.

Should dietary requirements be collected, these will be deleted at latest three months after the event.

Meeting files and emails are archived and will be kept for twenty years, in line with the PD 5.2 Legal Affairs default retention period.

Possible archiving activities are addressed in a separate data protection statement.

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

## **9. Contact information**

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

EPO employees can contact the delegated data controller directly at [PDLegalAffairs-DPL@epo.org](mailto:PDLegalAffairs-DPL@epo.org). They may also contact the data protection officer at [dpo@epo.org](mailto:dpo@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.