

## **Data protection statement on the processing of personal data within the context of formal complaints and feedback.**

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 of the DPR.

Users of the Patent system can submit complaints or feedback using an electronic form which is available at the EPO website via the [Formal complaint / feedback form](#) link in the "[Contact us](#)" page of the EPO website. Complaints or feedback may also be submitted via a telephone call to the First Line Customer Enquiries Unit (1LCEU) or by sending a letter addressed to the EPO; to the President, to a Vice-President or to a Director.

A case is always created and registered in a database, currently ServiceNow, a registration number in the form "CS123456" is generated, and the case is assigned to the "External Complaints" group of PD15 and PD13 for further processing. Once a case is registered as a complaint or feedback, an automated acknowledgment of receipt is sent to the user by email.

Processing of the complaint or feedback includes the steps of analysing the user's input, contacting the department dealing with the corresponding service, dialogue with regard to the root cause of the possible issue, and compiling a reply to the user within 20 days of the date of submission of the complaint or feedback.

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

External complaints/feedback can concern any service or product delivered by the EPO and can be submitted by any person, including parties to proceedings before the EPO (for enquiries as to the processing of files, see Guidelines for Examination in the European Patent Office [E-VIII, 7](#)). Complaints or feedback can be submitted using the [Online form](#) available at the [Contact us](#) page.

This data protection statement relates to the processing of the name (including title), contact information (email address, postal address, location information, telephone numbers) and, if needed, the application number(s) of EPO customers filing a complaint. This data protection statement explains the way in which the above personal data are handled.

Complaints and feedback are forwarded to a dedicated EPO department responsible for

- (i) ensuring that the complaint/feedback is dealt with fairly and efficiently and that suitable measures are taken to address it; and
- (ii) providing a comprehensive reply.

If a complaint relates to file-specific substantive or procedural issues, it will usually first be discussed with the relevant internal stakeholders (e.g. managers of the department in charge of the application, or the examining or opposition division). Subsequently, a detailed reply is sent to the complainant, see also Guidelines for Examination in the European Patent Office [E-VI, 4](#)

The complaint/feedback handling procedure does not replace the procedures laid down by the European Patent Convention; nor does the department responsible for handling complaints/feedback take decisions on substantive and procedural requests. Hence, the relevant department competent for the respective proceedings decides on:

- a) complaints/feedback relating to procedural and/or substantive aspects of specific pending proceedings which are submitted by a party to said proceedings. All parties to the proceedings will be informed accordingly.
- b) Complaints/feedback relating to substantive issues which are submitted by a third party while proceedings are pending before the EPO. Such a submission will be treated as a third-party observation. (see Guidelines for Examination in the European Patent Office [E-VI, 3](#)).

The department responsible for handling complaints/feedback promptly forwards any complaint/feedback relating to appeal proceedings to the EPO Boards of Appeal Unit.

Complaints/feedback having a substantive and/or procedural bearing on proceedings before the EPO, as well as replies thereto by the department responsible for handling complaints/feedback, will only exceptionally be excluded from file inspection (see Guidelines for Examination in the European Patent Office D II, 4.3; decision of the President of the EPO concerning documents excluded from file inspection, [OJ EPO 2007, Special edition No. 3](#), J.3).

In general, replies to complaints/feedback are sent as email or attachment to email via the address [support@epo.org](mailto:support@epo.org).

Personal data are processed solely for the purpose of accurately identifying a complainant and sending a reply to their email or postal address provided in the submission of a complaint or feedback.

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.

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

The personal data being processed are name (including title), company/agency name, contact information (email address, postal address, location information, telephone numbers).

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

Personal data are processed under the responsibility of PD15 Customer Journey and KAM, acting as the EPO's delegated data controller.

Personal data are processed by the EPO staff involved in managing the initiative, project or activity of external complaints or feedback referred to in this statement.

There are no external contractors involved in the processing of external complaints or feedback.

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

Access to the database with the personal data of users submitting a complaint or feedback is strictly limited to the persons in PD1.5 & PD 1.3 dealing with the complaint.

Personal data might be disclosed on a need-to-know basis to the EPO staff working in DG0, DG1, DG4 and DG5, including the concerned staff member(s).

Personal data are not disclosed to third-party service providers for any maintenance and support purposes.

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.

#### **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 (DPR Articles 18 to 24).

If you would like to exercise any of these rights, please write to the delegated data controller at [DPOexternalusers@epo.org](mailto:DPOexternalusers@epo.org). In order to enable us to respond more promptly and precisely, you always need to include certain preliminary information with your request. We therefore encourage you to fill in this [form](#) and submit it with your request.

It is also your right to request review by the controller under DPR Article 49 and the right to seek legal redress under Article 50, as is included by default at the bottom of this template).

We will reply to your request without undue delay and in any event within one month of receipt of the request. However, DPR Article 15(2) 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?

The legal base under DPR Article 5a) is that 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?

A patent provides a legal protection for 20 years, and there is no limitation to how long the post-grant procedures can last: after the patent granting procedure, there can be an opposition procedure which will review the patent granting procedure and involve members of the examining division. These members need to be able to retrieve their actions and comments. Moreover, after the patent granting procedure, there may be an appeal procedure whose outcome can be to reopen the examination procedure by the examining division. After that, revocation and limitation procedures may take place at any time, even after expiry of the patent protection. The examining division needs to be able to retrieve the actions and comments of the initial procedure. For more information, see the Decision of the President of the European Patent Office dated 13 December 2021 pertaining to the processing of personal data in patent-grant and related proceedings (OJ EPO 2021 A98). **Personal data used which are part of the patent grant procedure are stored indefinitely.** If considered appropriate, other personal data (for example names of administrative staff of a representative that process submissions made in MyEPO Portfolio) may be deleted if it can reasonably be expected that there is no operational need anymore, with a maximum of 10 years. 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.

As a rule, in case of a complaint, a copy of the complaint form and the reply will be included in the public part of the file. However, the [principles governing exclusion from file inspection](#) apply to the complaints/feedback procedure. This means, in particular, that parts which could be prejudicial to the legitimate personal or economic interests of a natural or legal person can be excluded from file inspection at your request or ex officio by the EPO. In such case, contact details will be stored for five years after they have been used or updated the last time, i.e. after the last interaction with the data subject within the framework of Customer Service Management. **Personal data received with an enquiry will be anonymised five years after the closure of a particular ticket, allowing the anonymised data to be used for statistical purposes.**

When a complaint or feedback is not related to a file, the retention period and anonymisation of the previous paragraph apply.

## **9. Contact information**

If you have any questions about the processing of your personal data, please write to the delegated data controller at [DPOexternalusers@epo.org](mailto:DPOexternalusers@epo.org).

You can also contact our Data Protection Officer at [dpo@epo.org](mailto:dpo@epo.org).

## **10. 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 DPR Article 49 and, if you disagree with the outcome of the review, the right to seek legal redress under DPR Article 50.