

## **Data protection statement<sup>1</sup> on the processing of personal data related to online user consultations**

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 Guidelines for Examination are revised annually. In the course of each revision, the EPO conducts an online user consultation. This data protection statement relates to the processing of personal data during such online user consultations and any other user consultation the EPO may carry out in relation to the patent grant procedure and related procedures.

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

Participation in the user consultation process is voluntary. Participants file their comments through a webform on the EPO's website. The information they enter in this form includes personal data, which are received and inspected by a restricted number of EPO employees in Principal Directorate 5.3 Patent Law and Procedure.

The user consultation serves to collect feedback on the Guidelines in force and suggestions for their amendments, or on any other matter of relevance for the patent grant procedure and related procedures, with a view to addressing users' wishes and concerns and ensuring they are reflected in the practice of the Office. In this context, personal data are processed to relate individual comments, preferences and wishes to specific user groups, thus allowing proper assessment of the relevance of the feedback.

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

The EPO processes the following categories of personal data of external users participating in the user consultation:

- full name
- job title and user group
- information included in the user consultation (opinions contained in the responses to the user consultation and any other information provided in the webform)

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

Personal data are processed under the responsibility of Principal Directorate 5.3 Patent Law and Procedure acting as the EPO's delegated data controller.

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<sup>1</sup> Version January 2024.

Personal data are processed by the EPO staff involved in managing the initiative, project or activity referred to in this statement, including staff from Principal Directorate 5.3 Patent Law and Procedure. External contractors involved in providing and maintaining platforms for the webform (Infotel Conseil SA) and tools for the processing of results (Microsoft and Thomson Reuters) may also process personal data, which may include accessing it.

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

A limited number of employees in Principal Directorate 5.3 Patent Law and Procedure have access to the personal data collected in the webform, on a need-to-know basis. Any other data shared as part of the results of the consultation will be anonymous.

Personal data may be disclosed to third-party service providers for the purpose of providing a consultation platform (Infotel Conseil SA) and tools for the processing of results (Microsoft and Thomson Reuters).

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 parties.

#### **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 to the systems and network, need-to-know and least-privilege principles)
- logical security hardening of systems, equipment and the network
- physical protection: EPO access controls, additional access controls to the data centre, 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

For personal data processed on systems not hosted on EPO premises, the EPO has carried out a privacy and security risk assessment. The providers processing such 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 providers 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 means of 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 means of 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).

The right to rectification only applies 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 those made by third parties.

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 provide certain preliminary information with your request. We therefore encourage you to fill in this [form](#) 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 are processed on the basis of Article 5(a) DPR: 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.

## **8. For how long do we keep your data?**

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

Personal data will be deleted three months after the end of the user consultation.

In the event of a formal appeal/litigation, all data held when the formal appeal/litigation was initiated will be retained until the proceedings have been concluded or for three months after the end of the user consultation, whichever is the longer.

## **9. Contact information**

External data subjects who have any questions about the processing of their personal data should write to the delegated data controller or the 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.