

# Data Protection Report 2023

Annex to the Annual Review



## Executive summary

Compliance with the data protection framework is recognised by the Office's management and the member states of the EPO represented on its Administrative Council as key to safeguarding the interests of the Organisation, staff members, users and other external stakeholders.

2023 saw the completion of the Data Protection Office (DPO) triennial Strategy and Planning 2021-2023 and of the Office's path to fully implement the new Data Protection Framework.

The DPO achieved milestones in all areas of competence. The Data Protection Rules for the Administrative Council and of the ones for the Select Committee were major achievements in the completion of the data protection institutional framework. The Adequacy Decision for the Unified Patent Court will facilitate the sharing of personal data within the framework of the Unitary Patent System.

Further legal instruments, decisions and procedures, such as the data protection audits and inspection methodologies and the related decision by the President defining the powers of the Data Protection Board (DPB), were created to complement the existing framework.

Confirming the horizontal nature of data protection and its importance in the Office's governance mechanisms, the DPO further strengthened its co-operation with internal stakeholders and started new forms of collaboration that contributed to numerous projects in other areas.

Advising the President and the Administrative Council, the DPO supported the Organisation in ensuring data protection by design, so that data protection principles are considered in the implementation of the Office's strategy and operations.

The DPO assisted the Boards of Appeal in their efforts to develop an oversight mechanism for the Boards when acting in their judicial capacity and co-operated with the Office's IT services in several risk assessment projects. It also collaborated with procurement services on tender procedures, engaged in knowledge sharing in the areas of employment law and human resources and fostered good co-operation with the DPB, while engaging in continuous exchanges on the monitoring of compliance in the Office.

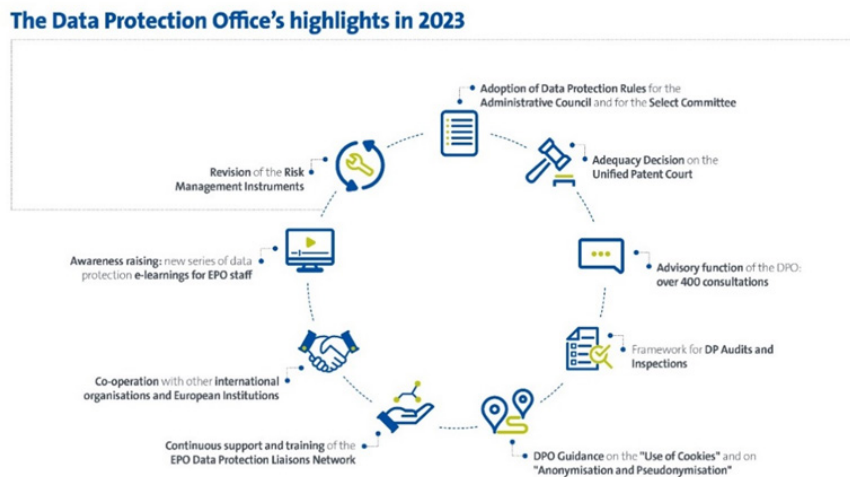
In its advisory activity, the DPO responded to over 400 consultations by delegated controllers, managers, staff and external data subjects on a wide range of topics related to data protection and the interpretation of the Data Protection Rules (DPR). It also advised the delegated controllers on numerous privacy and security risk assessments.

The DPO also continued its awareness-raising activities; launched several e-learning modules to disseminate knowledge throughout the Office and support delegated controllers when integrating data protection requirements into daily operations; provided ad-hoc training to specific departments; and issued guidance documents directed at business units and staff at large.

Recognising the importance of the Data Protection Liaisons (DPLs) in assisting the delegated controller and fostering compliance within the operational units, the

DPO launched a training programme to boost DPLs' skills and knowledge and to enhance their role. It continued to co-ordinate the network, offering DPLs guidance, advice and support to achieve their mandated objectives. It also introduced initiatives to foster knowledge sharing within the DPO team and between the DPO and the DPLs, such as presentations and case studies on relevant topics during team meetings.

Figure 1: Data Protection Office's highlights in 2023



Source: DPO

To monitor compliance with the DPR, the DPO team performed its first three data protection audits in 2023. All of the DPO's recommendations were endorsed by the President and the vast majority have already been implemented by the delegated controllers.

The DPO contributed to the Office's strategy to strengthen and enhance social dialogue by providing timely and detailed advice and assistance to various stakeholders. This included assisting the election committees and staff committees of the Office's staff representatives in preparing data protection documentation, as well as responding to requests from the Central Staff Committee.

The DPO also engaged positively with numerous external stakeholders and represented the EPO at several meetings and working groups with other international organisations and at the European Data Protection Supervisor-EU Institutions annual meeting. It continued to collaborate with the EUIPO and contributed to the Data Protection as Corporate Social Responsibility (DPCSR) network for the development of DPCSR rules.

The DPO will continue to help shape the Organisation's approach to privacy and data protection, educating managers and staff about the impact of privacy risk on the business, and ensuring the protection of the fundamental rights of data subjects.

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# 1. Introduction

The Data Protection Rules state that the Data Protection Officer must submit an annual report to the Administrative Council, the President of the Office and the President of the Boards of Appeal. This annual report highlights the DPO's activities in 2023, focusing on the results that it has achieved in accordance with the DPO Strategy and Planning 2021-2023.

The DPO Strategy and Planning 2021-2023, which was created around the principles of anticipation, action, and unity was based on five pillars:

- the creation of a complete legal framework regulating the protection of personal data and applicable to all the organs, bodies, and committees of the European Patent Organisation
- the documentation of all processing activities in the Organisation
- risk prevention through awareness raising, training, and guidance, as well as through the advisory activity of the DPO to the delegated controllers, the DPLs, and the data subjects
- risk management and mitigation through data protection audits and investigations, opinions by the Data Protection Board, and a procedure to address and mitigate the effects of data breaches
- continuous improvement through co-operation and the exchange of best practice with international organisations and international networks.

Figure 2: DPO strategy 2021-2023



Source: DPO

The highlights of the DPO's activities in 2023 were:

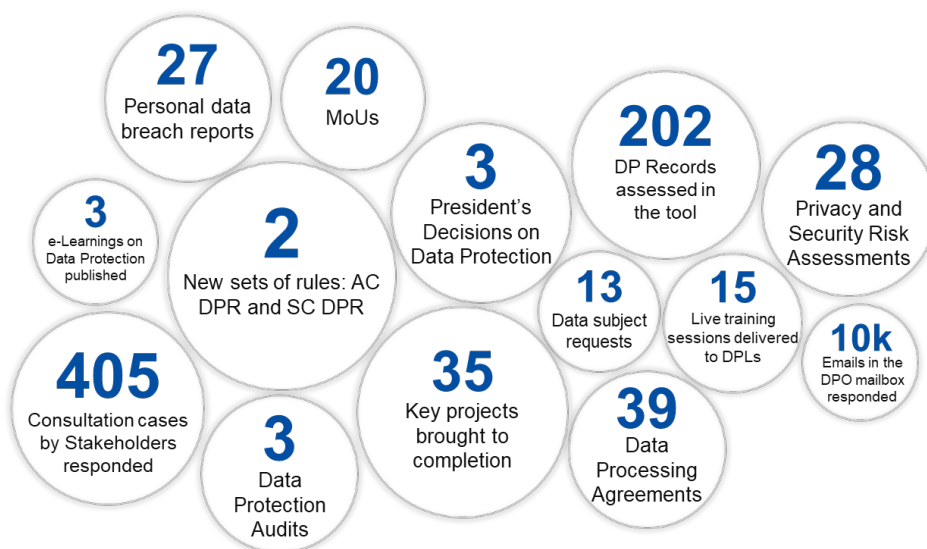
- the adoption of Data Protection Rules for the Administrative Council
- the adoption of the Select Committee Data Protection Rules
- the Adequacy Decision on the Unified Patent Court

The Data Protection Office is the focal co-ordination point for all EPO activities as to data protection issues.

- the creation of a new data protection audits and investigation procedure and the performance of the first audits by the DPO
- an extensive awareness-raising campaign, including numerous guidance documents, training, and e-learning modules
- the co-operation with other international organisations and public institutions through the participation of the DPO in working groups with the European Data Protection Supervisor with a view to contributing to the harmonisation of practices and raising awareness of the importance of data protection.

All of this was accompanied by a steady number of internal consultations (over 400), in which the DPO provided legal advice on a vast range of data protection issues, touching upon all areas of the EPO's activities.

Figure 3: DPO in numbers 2023



Source: DPO

## 2. The Data Protection Office

The Data Protection Office, headed by the Data Protection Officer, fulfils its mandate and responsibilities under the Data Protection Rules by ensuring that the EPO respects the fundamental rights to privacy and data protection. The DPO is the focal co-ordination point for all activities included in the DPO Strategy and Planning 2021-2023 document.

The President of the Office appoints the Data Protection Officer and the Deputy Data Protection Officer based on their professional qualifications, their expert knowledge of data protection law and practices, and their ability to fulfil the duties provided for in the Data Protection Rules.

The DPO carries out its mandate according to the values enshrined in the rules and its strategy, namely independence, objectivity, transparency, and pragmatism. It is supported in its activities by the DPLs network.

Figure 4: Data Protection Officer's role and responsibilities

### DPO tasks and responsibilities



Source: DPO

The DPO has five main areas of competence:

- **Monitoring and supervision:** the DPO monitors the processing of personal data to ensure that they comply with data protection rules. It also monitors and assesses technological developments impacting the protection of personal data.
- **Policy and advisory:** the DPO advises the President of the Office, the President of the Boards of Appeal and the Administrative Council on legislative proposals and initiatives related to data protection. It also advises all the delegated controllers and data subjects on the application of the DPR, on data subject requests, and other data protection matters.
- **Risk management:** the DPO provides instruments to the Organisation and supports controllers and delegated controllers in assessing and mitigating the risks related to the processing of personal data (Privacy and Security Risk Assessment, Data Protection Impact Assessments, Transfer Impact Assessments, and further instruments). The DPO also performs data protection audits and investigations.
- **Awareness raising:** the DPO conducts training and awareness raising on data protection.
- **Co-operation:** the DPO co-operates with internal and external stakeholders (international organisations, European institutions, and data protection networks) on various projects and with the Data Protection Board, for whom the DPO provides a secretariat.



## 3. Legal and institutional data protection framework

### 3.1 Administrative Council Data Protection Rules

The Administrative Council's adoption of the EPO Data Protection Rules (EPO DPR) endowed the European Patent Office with a comprehensive set of rules to regulate the processing of personal data, which meet the highest international standards in terms of respect for, among others, the principles of transparency and accountability, as well as with procedures to effectively protect the rights of data subjects.

The Data Protection Rules of the European Patent Office only apply to the Office's processing of personal data and not to processing by the Administrative Council. However, the Administrative Council determines the purposes and means of a small number of processing operations and, therefore, qualifies as the data controller for these operations. In addition, personal data is exchanged by way of transmission between the Administrative Council and the Office in numerous procedures.

To ensure consistency within the Organisation, specific data protection rules for the Administrative Council (AC DPR) were adopted by the Council on 22 March 2023, applying the principles of the EPO DPR *mutatis mutandis*, and thus ensuring close alignment with them. Moreover, the *mutatis mutandis* application of the EPO DPR facilitates a legally sound processing operations in which both the Administrative Council and the Office are involved. It also guarantees that the highest standards of protection of the data subjects' rights apply at all times.

Lastly, it should be noted that the Organisation's introduction of the EPO DPR created a modern and integrated data protection framework for the Office. By applying the principles enshrined in the EPO DPR – and particularly the principles of lawfulness, fairness, transparency, and accountability - to the processing operations carried out by the Administrative Council, the Organisation has emphasised its commitment to protecting personal data for both its staff and the outside world.

### 3.2 Data Protection Rules for the Select Committee

The Select Committee is based on Article 145 EPC and Article 9(2) of Regulation (EU) No. 1257/2012, and is a sub-body of the Administrative Council. Its principal objective is to supervise the EPO's activities related to the tasks entrusted to it in the context of unitary patent protection, but has also legislative authority in relation to the Unitary Patent.

To ensure consistency among the different organs, committees and bodies of the Organisation and facilitate the exchange of data between them when necessary, the Select Committee adopted its own data protection rules (SC DPR) on 31 May 2023, which foresee a *mutatis mutandis* application of the AC DPR.

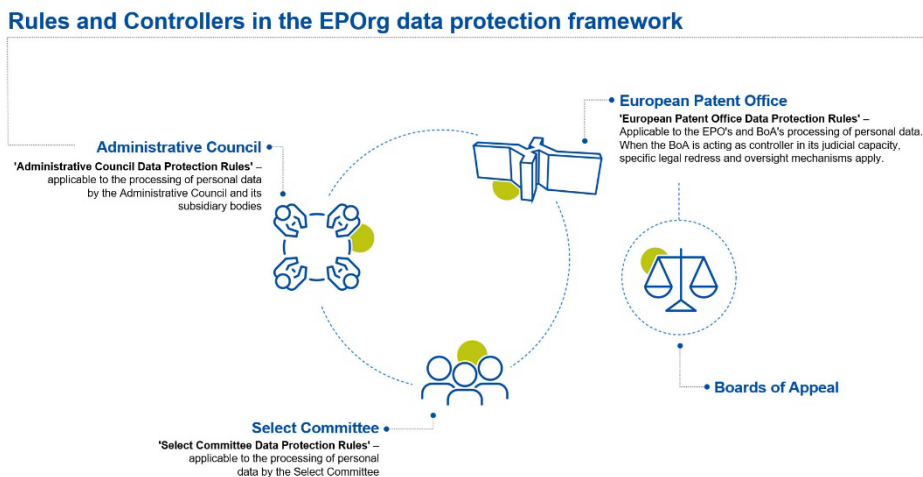
The DPO and the DPB perform the same functions for the Select Committee as they do for the Administrative Council and the Office. The DPO advises on data

The DPO continues to create legal frameworks to cover all types of processing of personal data across the Organisation.

protection issues, responds to enquiries, issues operational and guidance documents, and receives notifications of any personal data breaches, while the DPB reviews data protection complaints.

Overall, this approach aims to ensure the consistent application of the three data protection instruments across the Organisation, namely the EPO DPR, the AC DPR, and the SC DPR. The provisions that were introduced within the AC DPR to ensure respect for the role and competences of the Administrative Council under the EPC also apply mutatis mutandis to the Select Committee.

Figure 5: Rules and Controllers in the EPOrg data protection framework



Source: DPO

### 3.3 Agreement on the exchange of personal data between the EPO and the Unified Patent Court (UPC) and Adequacy Decision for the UPC

The Unitary Patent and the Unified Patent Court (UPC) supplement and strengthen the existing European patent granting system. The UPC is a new supranational court with jurisdiction in all EU member states that are bound by the UPC Agreement.

The EPO and the UPC are subject to two different legal frameworks with regard to data protection. The EPO applies its Data Protection Rules (DPR) and the UPC is subject to Regulation (EU) 2016/679 General Data Protection Regulation (GDPR).

The exchange of data between the two organisations is regulated by the Agreement on co-operation between the EPO and the UPC of 17 November 2022, which not least states that the EPO and the UPC should enter into a specific agreement regarding the exchange of personal data. Based on this, the DPO prepared a specific agreement on protection of personal data exchanged between the EPO and the UPC. This agreement was signed by the President and the President of the UPC Court of Appeal and entered into force on 1 June 2023.

Moreover, by way of an adequacy decision adopted by the President, the UPC was recognised by the EPO as one of the entities that are considered to ensure adequate protection for personal data. By adopting the Adequacy decision, the

EPO considers that the UPC embeds the necessary data protection key concepts, principles, and mechanisms in its data protection legal framework and thereby ensures an adequate level of personal data protection. As a result, transfers of personal data from the EPO to the UPC are considered permissible under Article 9(2) of the Data Protection Rules.

### **3.4 Decision of the President of the EPO regarding data protection audit recommendations**

With this decision, the President established that whenever a data protection audit or data protection inspection (Article 43(1)(d) DPR) identifies a compliance failure and the DPO issues recommendations to address such an occurrence with correcting or mitigating measures, these recommendations become binding and enforceable towards the controller or the delegated controller as applicable, subject to their validation by the DPB. This specific delegation of authority aims to further strengthen the oversight function of the DPB, while respecting the institutional framework of the Office.

### **3.5 Processing of personal data by the Boards of Appeal in their judicial capacity**

The President adopted a decision regarding the processing of personal data in the patent grant procedure and related procedures in December 2021. That decision did not cover the processing of personal data by the Boards of Appeal (BoA), which report to the President of the Boards of Appeal. The DPO assisted the Boards of Appeal in the drafting a decision regulating the processing of personal data in appeal proceedings, which was adopted on 5 April 2022 by the President of the Boards of Appeal. In this context, in 2023 the DPO has supported the Boards of Appeal in their efforts to develop an appropriate oversight and legal redress mechanisms. This activity will continue in 2024.

### **3.6 President's decision on delegated controllers**

Following further organisational changes, the President adopted a decision prepared by the DPO in 2023 to update the list of delegated controllers representing the operational units to which the competence to determine the purposes and means of processing has been delegated, as foreseen by Article 28(3) DPR.

## **4. Risk management**

As part of its ongoing efforts to turn privacy and data protection into an operational layer in the EPO's risk management framework, the DPO developed the Risk Management Package, which takes the progressive compliance of the EPO's processing operations with the DPR to the next level. The Risk Management Package gives the EPO a comprehensive tool to further strengthen its compliance with data protection principles and requirements and enable the

implementation of the principles of data protection by design and by default (Article 27 DPR) following a risk-based approach (Article 4(1) DPR).

Figure 6: Data protection risk management



Source: DPO

#### 4.1 Revision of the data protection risk management instruments

The DPB confirmed that the data protection documentation submitted by the DPO is suitable for demonstrating accountability and compliance with the DPR in alignment with Art. 4(1) DPR.

In an effort towards continuous improvement, the DPO monitored the application of data protection risk management instruments in the course of 2023 and detected the necessity to further adapt these instruments on the basis of the acquired practical experience, to enhance their efficacy and the efficiency of the process. The DPO's revision of these instruments, including the templates, was undertaken at the end of 2023 in co-operation with the Office's procurement and IT services. Its completion is foreseen in the DPO Strategy and Planning 2024-2026.

The DPO's revision of the data protection risk management instruments is ongoing. It aims to integrate privacy and data protection into the EPO risk management framework.

#### 4.2 Internal workflows for the handling of queries filed by external individuals and public authorities

In light of the considerable number of enquiries from external parties received by the Office every year, a working group was established under the leadership of the DPO, which elaborated internal workflows for the triage of queries filed by external individuals and public authorities, ensuring that the handling of such queries occurs in alignment among the different units of the Office and in full compliance with the data protection principles enshrined within the DPR. The workflows are aimed to ensure prompt, informed, and correct handling by the competent business unit.

## 5. Data protection compliance

### 5.1 Data protection audits

In line with Articles 43(1)(d) and 43(2) DPR, the DPO conducts data protection (DP) audits to assist the EPO in the examination of its compliance with the DPR. The detection of potential irregularities or failures in compliance, suggested improvements, and measures to mitigate possible risks, as well as best practices that are worth applying to other business areas, help to continuously monitor and ensure compliance with the DPR and demonstrate this to data subjects. Throughout 2023, three DP audits, including a pilot, were conducted following the approval of the annual DP audit framework.

These audits yielded positive results in that neither irregularities nor failures in compliance were found in the processing operations examined. The DPO made some suggestions for improvement and applauded outstanding practices to the relevant delegated controllers, showing their strong commitment to observing and implementing data protection in their daily activities.

Based on lessons learned from the pilot DP audit in Q1/2023, the DPO has streamlined and tailored the DP audit and inspection methodologies.

Data protection audits on the processing of personal data were conducted successfully by the DPO.

### 5.2 Detected data breaches

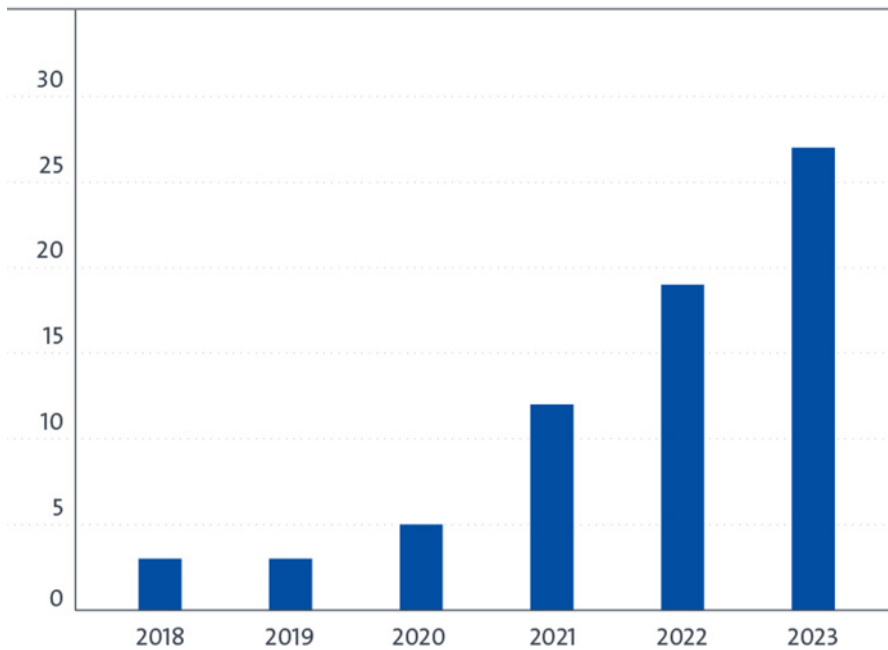
In accordance with the DPR, delegated controllers are required to promptly address any personal data breaches, i.e. incidents or occurrences that impact the confidentiality, integrity, or availability of data, and properly evaluate and mitigate the potential effects of such incidents. They are also required to notify the DPO and, in some circumstances, communicate the breach to the individuals affected.

With the adoption of the DPR, the delegated controllers developed the processes for handling personal data breaches efficiently under the DP framework and are guided by operational documents and training on this topic provided by the DPO.

2023 was the year of the digitalisation the process. The DPO built an end-to-end process for handling personal data breaches into the online data protection tool. This encompasses an automatic notification mechanism to inform the DPO about the breach in accordance with the DPR, collaborative features to streamline communication among the stakeholders involved, and a reporting feature that facilitates the centralisation of information on Office-wide personal data breaches in one space.

During the reference period for this report, the DPO provided advice to the delegated controllers in 34 security incidents, of which 27 were assessed as personal data breaches.

Figure 7: Detected data breaches per year



Source: DPO

In the vast majority of cases (24) upon evaluation carried out by the DPO together with the respective delegated controller, it was concluded that the potential risks of the incident was not significant ("low or no risk"). In only 3 cases, the risk was assessed as "medium".

None of the data breaches was classified as "high risk" or "very high risk".

The incidents occurred either due to human error or to a bug detected in the IT systems, which led to a (in the majority of cases minor) breach of confidentiality, availability, and/or integrity for the personal data processed by the EPO. Relevant remedial action and preventive measures were prescribed that were to be put in place by the respective delegated controller to address each breach and avoid similar occurrences in the future.

As shown in the graphic, the number of data breaches which were detected has clearly risen after the adoption of the DPR. This is connected with the fact that under the new framework there is a clear definition of data breach and a procedure to report them, and is a positive indicator of the increased awareness of all stakeholders of the necessity to report incidents that could potentially lead to risks for the data subjects (even those of minor impact) when they occur, to address any related issues, and to mitigate possible detrimental consequences.

The DPO will continue to work towards the detection and mitigation of such incidents, so the number of reported data breaches is expected to grow in the future in certain areas of the Office, as the awareness of the relevant stakeholders continues to rise.

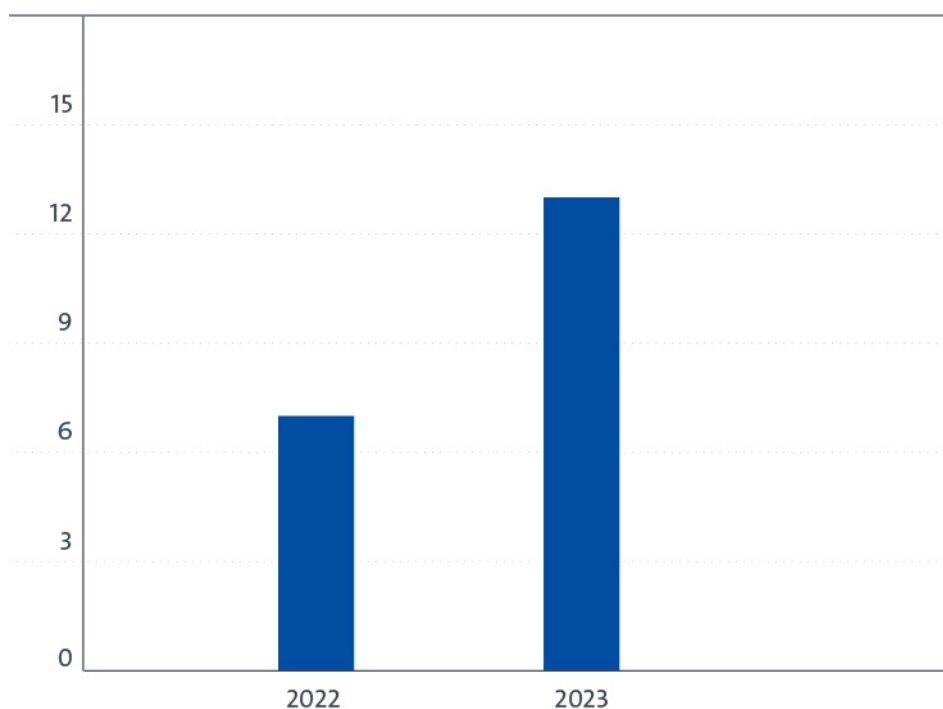
### 5.3 Data subject requests

The DPO has been advising the delegated controllers on several data subject requests across the EPO, which have been received from both internal and external data subjects. Trends have been identified, with requests of access and erasure of personal data being submitted most frequently to competent business units and/or the DPO.

In total, 13 data subject requests were received, either directly, or through the competent business units asking for advice. The workflow outlining the process for responding to data subject was further consolidated and unified, based on the comprehensive guidance of the DPO, delegated controllers, and data protection liaison work instructions.

These efforts have, in general, resulted in timely and high-quality responses to the data subjects, with no single request for review ensuing.

Figure 8: Data subjects' requests since entry into force of the DPR



Source: DPO

### 5.4 Data Protection Board

The DPO responds to requests from the Data Protection Board within the sphere of its competence, while co-operating and consulting with the DPB at the latter's request or at its own initiative.

The DPO facilitates co-operation between the DPB and the EPO, particularly with regard to data protection audits and inspections, complaint handling, data protection impact assessments, and prior consultations.

In the course of the year, the DPO strengthened its co-operation with the DPB by establishing regular meetings to discuss ongoing issues and exchange on the interpretation of the DPR.

No complaints were filed by data subjects before the DPB in 2023. It is worth noting that data protection issues can be dealt with incidentally by the Appeals Committee in the course of an internal appeal on a different topic when they are an accessory to the main procedure.

## 6. DPO advisory activity

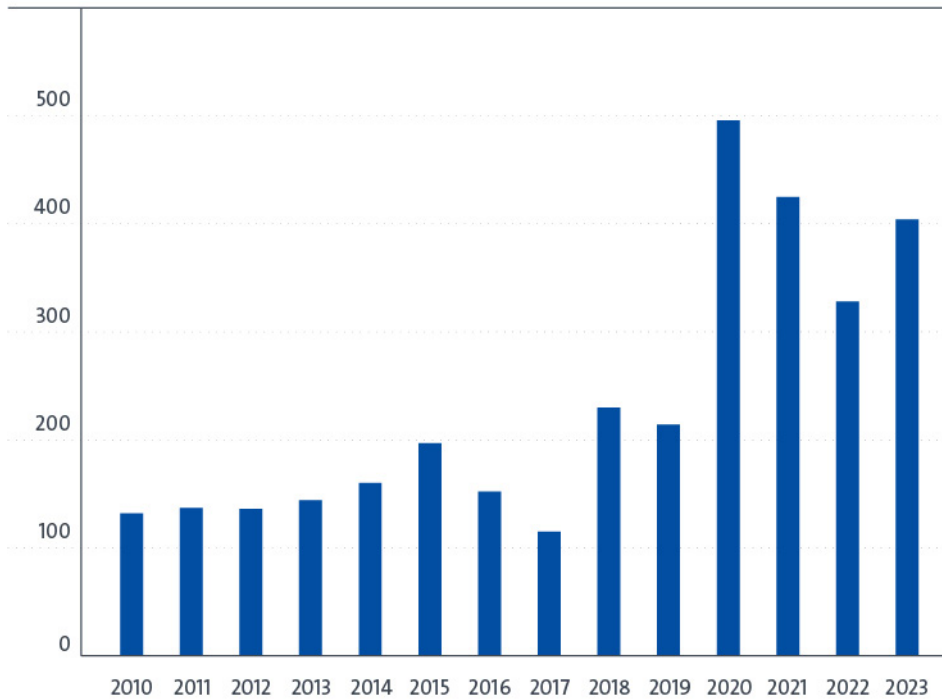
The DPO provides legal and technical advice on data protection matters in a wide range of fields to the President of the EPO, the delegated controllers, and the President of the Boards of Appeal, as well as to data subjects. The DPO also advises the Administrative Council via the Council Secretariat. The DPO is involved in a consultative capacity in many strategic EPO projects, initiatives, and activities, where it analyses the legal and technical data protection aspects with a view to ensuring data protection by design. Moreover, the DPO supports operational units in interpreting the DPR and responds to requests from data subjects.

In 2023, the DPO provided legal and technical advice in 405 cases (consultations). This marks an increase of +23% compared to the 328 cases in 2022 and is slightly lower than the figure in 2021, which was the year of adoption of the DPR, which necessarily triggered many questions by business units on how to ensure the compliance of their processing operations with the new rules. It is worth noting that in 2022, in addition to 328 consultation cases, the DPO was also consulted for the review of 294 records drafted by DPLs before their publication in the data protection register.

Advice by the DPO rendered on highly complex matters of legal interpretation of the DPR.



Figure 9: Number of consultations per year



Source: DPO

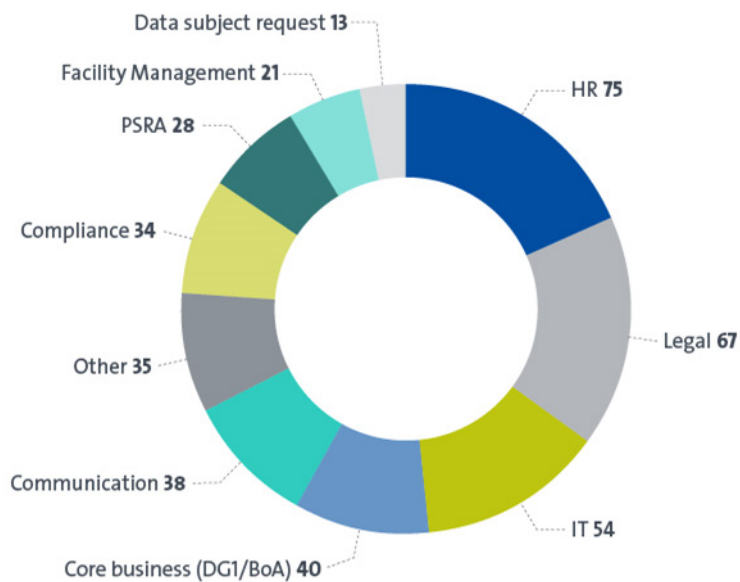
The expected reduction in the number of consultations of the DPO following the creation of the role of DPLs network, which acts as first point of contact for data protection matters in the business units, did not materialise in 2023. This seems to be partly connected with the level of maturity of the network and the relatively high turnover among the DPLs, so that new or less experienced DPLs still turn more frequently to the DPO for guidance. To enhance the knowledge of all DPLs, in particular newcomers, the DPO launched a comprehensive training programme (DPLs Support and Enhancement Programme) in 2023. The steady number of cases also indicates the continuing need for the operational units to receive guidance when launching a new activity or using new technology and when responding to data subjects' requests to resolve many of the day-to-day data protection issues encountered in their unit.

There has also been an evolution in the type of consultations. Whereas in 2021 and 2022 the DPO was often consulted by the delegated controllers and by the data subject on routine questions or on requests for information, this type of request is now more frequently answered by the DPLs. The cases dealt with by the DPO tend to relate to complex matters of legal interpretation of the DPR in conjunction with other rules, or to how to incorporate data protection into the design of new initiatives and projects ab initio; or how to apply the DPR to specific institutional questions.

Regarding the nature of the consultations, a high number relate to the legal interpretation of the DPR, followed by HR-related matters, technical issues related to IT projects or services, and internal or external communication events and initiatives.

In addition, with the introduction of the risk assessment instruments, the DPO was involved in 28 privacy and security risk assessments. These tend to be complex exercises, which require a high level of specialisation and normally last from a few weeks to a few months.

Figure 10: Breakdown of consultation by topic



Source: DPO

With the completion of the Data Protection Register in 2022, the DPO is not directly involved in the drafting and updating of record of processing operations, as this falls under the responsibility of the delegated controllers and the DPLs, but still provides general advice to the DPLs on specific questions, when consulted.

The DPO also conducted a number of legal analyses and issued legal opinions on a variety of topics in 2023. It was consulted, for example, to clarify the application of the DPR concepts and provisions to scenarios where external service providers process EPO personal data, or to clarify the interaction between the pre-existing dispute resolution procedures established under the EPO legal framework and the procedures foreseen under the DPR, with a view to limiting risks of potential liability for the Office and enhancing legal certainty for data subjects.

## 7. Awareness raising

### 7.1 E-learning modules

The e-Learning courses are a pillar of the training activities provided for in the DPO Strategy and Planning 2021-2023. To that end, the DPO prepared three new modules throughout 2023.

Such modules, which are aimed at allowing staff easy access to guidance on data protection-related topics, cover the following key thematic areas:

- **Data protection risk management (part I):** enabling delegated controllers and DPLs to understand the nature of the EPO's privacy risk management framework and the implications of a risk-based approach to privacy.
- **Data protection risk management (part II):** detailing the functioning of the key risk management instruments composing the privacy risk management framework: the Privacy and Security Risk Assessment (PSRA), the Data Protection Impact Assessment (DPIA) and the Transfer Impact Assessment (TIA).
- **Protection of special categories of personal data under Articles 11 and 12 DPR:** explaining the types of special categories of personal data, and why and how they enjoy enhanced protection when processed.

The DPO is continuing its extensive awareness raising campaign with guidance documents, trainings and e-learning modules.

### 7.2 Data Protection Liaisons network

Throughout 2023, the DPO provided the DPLs with both specialised training on data protection and ad-hoc training sessions on specific issues to ensure the coherent interpretation and implementation of the DPR at the EPO. The network effectively disseminates knowledge and ensures the sharing of practical experiences. Simultaneously, the DPLs share this expertise with their respective departments or units.

To enhance the knowledge of the DPLs and their ability to assist the delegated controllers, the DPO launched a specific **DPL support and enhancement programme** targeted at both new and experienced DPLs. As part of this programme, the DPO team members provided hands-on training on the practical implementation of data protection principles in daily business activities.

### 7.3 Guidance documents

1. DPO issued **Guidance on anonymisation and pseudonymisation**, detailing techniques for the implementation of the data minimisation principle. It provides practical information on these measures and their application. Observance of anonymisation and pseudonymisation techniques is paramount in the effective protection of the privacy rights of individual data subjects and allows the EPO to balance individuals' rights to privacy with its legitimate business goals.
2. Derived from globally recognised best practices, the DPO issued a **Guidance on the use of cookies** and similar technologies. The practical

recommendations can be consulted by organisational units when dealing with such tools.

3. The DPO issued a series of **practical internal guidelines**, part of the operational documents under Art. 1(2)(c) DPR that interpret different notions, conditions, processes, and rights provided under the DPR. By serving as a data protection guide for DPLs and delegated controllers confronted with DP aspects, these documents will enable them to handle both basic and recurring themes effectively and assist the DPO in the uniform and aligned interpretation and handling of data protection matters.
4. The EPO relies on online platforms to organise virtual meetings and teleconferences to engage with internal and external stakeholders. These platforms offer the option to record meetings, including all audio and visual contributions made by both presenters and attendees. In addition, video and audio capture tools installed on the EPO workstations allow users to make recordings. With the growing use of such platforms and tools, the DPO revised and updated the **Guidelines on the recording of events** to ensure continuous compliance with the EPO data protection framework.

## 7.4 The DPO and social dialogue

In the course of their activities, the Office's staff committees process a large volume of personal data, including special categories of data and personal information related to staff members. In 2023 the DPO assisted the staff committees in preparing their data protection documentation. This activity will continue in 2024.

To promote transparency, the DPO responded to requests by the Office's Central Staff Committee and provided extensive analysis and responses on the processing of personal data in the Office. Furthermore, it supported branches of the Office's internal staff association "Amicale" in preparing their data protection documentation and restructuring their processing operations. As part of the 2023 staff representative elections, the DPO supported the election committees in preparing data protection documentation to ensure the right of information to staff.

## 8. Co-operation with other international organisations and European institutions

### 8.1 Participation in the EDPS task force on international organisation transfers and the international organisation working group on SCCs

The DPO participates in the annual workshop on data protection within international organisations, which is hosted by one of the participating international organisations with the support of the EDPS, in which legal instruments to potentially regulate transfers from European Union institutions or commercial entities to international organisations are discussed. In addition, the DPO participates in the working group with other international organisations' DPOs, which is aimed at developing a proposal for standard contractual clauses (SCCs, which regulate transfers between international organisations and commercial entities located in the European Economic Area) where the observance of the legal status of international organisations and the consequent conditions (in particular, privileges and immunities) are specifically recognised.

International co-operation in data protection matters is thriving through regular meetings with other international organisations and European institutions.

### 8.2 Permanent stakeholder in Corporate Social Responsibility Network

The DPO participated in a two-year multi-stakeholder research project carried out at Maastricht University's European Centre on Privacy and Cybersecurity (ECPC) for the creation of a "Data Protection as a Corporate Social Responsibility Framework" (the UM DPCSR Framework).

In 2023, the EPO became a permanent stakeholder in the Corporate Social Responsibility Network to pursue the further development and implementation of the UM DPCSR Framework to promote an ethical business culture for data protection. This aims to foster effective respect for the fundamental rights and freedoms of individuals.

The UM DPCSR Framework is the most prominent initiative so far to embed data protection and data security by design into organisational governance structures. It incentivises lawful, fair, ethical, transparent, and secure data processing to the advantage of both the public and the Organisation by identifying a number of "rules of principle" that should be adopted by organisations of all kinds.

Figure 11: Co-operation with international organisations and EU institutions



Source: DPO

### 8.3 Exchanges with EU Commission

The Office needs to exchange data with public and private entities which are subject to Regulation (EU) 2016/679 (GDPR), or those within the EEA with data protection regulations that are aligned with it, or with the European Union institutions, offices, agencies, and bodies (EUIs) that are subject to Regulation (EU) 2018/1725 (EUDPR). These transfers occur, among other things, within the framework of patent-granting and related proceedings, co-operation activities, dealings with foreign public authorities, or the outsourcing of services to external providers.

In line with its Strategy and Planning 2021-2023, the DPO has been pursuing initiatives aimed at the implementation of the EPO data protection framework and alignment and co-operation with other international organisations and EU institutions explore i.a. the possibility for the European Commission to adopt an adequacy decision in relation to the EPO data protection framework.

## 9. Future challenges

2023 was a year of aspiration and development – and reflection on creating the structure and instruments to effectively tackle the challenges of tomorrow. At the end of 2023, the DPO strategy and planning 2024-2026 was presented to the Administrative Council, in alignment and support of SP 2028.

The DPO Strategy and Planning offers a roadmap that outlines the strategy and the actions that the Data Protection Office intends to implement to lead the way from the modernisation of the EPO Data Protection Framework to its comprehensive implementation and integration. That document outlines the

course of action for the DPO to fulfil its mandate and defines the methodology for fostering data protection across the Organisation.

Data processing by the Boards of Appeal in their judicial capacity is subject to the Office's Data Protection Framework yet is excluded from the oversight and legal redress mechanisms that the DPR puts in place for data processing by the EPO. The DPO will continue to support the Boards of Appeal in creating appropriate oversight and legal redress mechanisms.

Given the rapid pace of technological changes, such as artificial intelligence, the DPO aims to remain vigilant and proactive, keeping abreast of technological and regulatory developments and assisting the Office in structuring strategies to address data protection and privacy concerns whenever applicable.

Preparation, collaboration, and continuous learning are the pillars that will guide the DPO in helping the Office to harness the potential of new technologies in a human-centred, responsible and effective manner, ensuring compliance with the Organisation data protection standards.

The DPO will also continue its efforts to raise staff awareness of the mechanisms and measures put in place by the EPO to protect their data, ensuring they understand the impact of the design, evolution, risks and deployment of technology and policies on their fundamental rights to privacy and data protection. With a view to raising awareness, additional training modules will be developed, together with further e-learning modules on specific topics.