Data protection statement on the processing of personal data in the context of the annual Technology Dashboard Report

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.

This statement refers to the processing of personal data in the context of the creation, publication and distribution of the annual Technology Dashboard Report (hereinafter “the Report”).

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

The Report includes a list of the top 100 applicants based on the information provided by the EPO’s Chief Business Analyst. For the creation of the Report, personal data within patent applications may be processed as part of the preparation of statistics, whereas the statistics themselves and the rest of the information provided are then published in the Report anonymously.

Previous to its distribution throughout the EPO’s communications channels and with multipliers, the leading 250 applicants (i.e. companies, universities and research organisations) for patent applications to the EPO in the reporting year are contacted by Principal Directorate Communication (PD Communication). They are invited to verify which subsidiaries or other entities or companies in their group should be consolidated for the purposes of counting all their European patent applications in the relevant year. They are contacted again shortly before the upcoming edition of the Report is published to make them aware of their position – either their ranking in the top 100, or that they did not make it into the top 100. The list of leading companies and research organisations may vary every year. In order to ensure accuracy, Online User Engagement, as the owner of the information, supports the PD Communication team in charge of the Report and provide only the minimum and necessary personal data to fulfil the purpose.

Once the period of communication with the leading applicants ends, the Report is made public on the EPO’s internal and external channels and shared with journalists as well as other multipliers.

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 may be processed int he creation of the Report or its distribution:

- Personal data within patent applications used to create anonymous statistics
- First name and last name of the person contacted before the publication of the final Report
- Professional email address
- Country
- Company name
- Company address
- Job function
- Statements/Comments/Opinions
- Other personal data that the contacted person may provide the EPO, such as but not limited to contact details of another data subject to be asked at their company.

3. Who is responsible for processing the data?

The processing of personal data is carried out under the responsibility of the PD Communication, acting as the EPO's delegated data controller.

Personal data are processed by the EPO staff and external contractor working for the EPO and involved in the management of the Report and its distribution and promotion, PD Chief Business Analyst and Online User Engagement.

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

The personal data are disclosed to specific employees of the EPO working in PD Communication, PD Chief Business Analyst and Online User Engagement. The personal data can only be accessed on a restricted basis and only for the purposes of verifying the top 100 applicants of the Technology Dashboard and subsequently to inform those same applicants as to the outcome of the exercise.

External contractors working at the EPO may have access to the personal data for the only purpose of creating anonymous infographics and statistics.

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 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.

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).

If you would like to exercise any of these rights, please write to the delegated data controller at *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 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 is processed in accordance with Article 5(a) of the EPO Data Protection Rules, which states that the '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."

Personal data is also processed following Decision of the President of the European Patent Office dated 13 December 2021 "concerning the processing of personal data in patent-grant and related proceedings" which can be noted in the record.

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.

Personal data such as name, surname, email address, affiliation, and other categories of personal data shared with the Report team during the pre-publication phase of the final Report are stored for a maximum of two years. After this period, the data is deleted. These details are maintained and managed by the PD Communication team in charge of the report and the only purpose of the Technology Dashboard.

Personal data will be kept following the EPO Retention Policy that can be submitted to the data subject upon request.

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

If you have any questions about the processing of your personal data, please write to the delegated data *DPOexternalusers@epo.org.)*

You can also contact our Data Protection Officer at *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.