

Data protection statement on the processing of personal data within the framework of digitisation of incoming paper documents, paper file related internal tasks and preparatory work for DG1 formalities officers

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](#)).

This data protection statement relates to the processing of personal data as part of the digitisation of incoming paper documents, paper file related internal tasks and preparatory work for formalities officers.

The information in this statement is provided in accordance with Articles 16 and 17 DPR.

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

The processing relates to the digitisation of incoming paper documents, paper file-related internal tasks and preparatory work for formalities officers. The purpose of the processing is to make incoming patent-related documents available in the EPO's electronic dossiers. In proceedings before the EPO, documents may be filed by hand, by postal services or by electronic communication.

The EPO confirms receipt of newly filed applications by sending an acknowledgement. Paper filed documents are received in the EPO Logistics Centres in The Hague or Munich. The Logistics Centre staff sort the documents. Patent-related mail is sorted by date of receipt, put into boxes and delivered to the external processor of the particular service group for further treatment. The scanning is done using EPO hardware and software. The documents are scanned into the electronic file according to detailed instructions. After scanning, the original paper documents are stored in boxes for archiving.

During the preparatory work, starting from opened envelopes delivered by the messenger service or electronic requests to scan an old original paper file, paper files are sorted into three categories: new applications, subsequently filed documents (SFDs) and others. A date stamp is provided on the first page.

Paper documents are sorted by application, including indexing sheets ready for indexing and bundled empty envelopes ready for storage for one year. Where necessary, receipts are provided ready for despatch.

Paper packages with a completed index or package data sheet (PDS) on top are finalised into batches and fed into a scanner. The data is then uploaded to the system, and the paper batches are boxed for on-site storage. The boxes are transported to a short-term storage area on the EPO premises and placed on shelves.

Labels and barcodes attached to the boxes and electronic documentation make it possible to retrieve an original document from a batch in the event of a request from the EPO for rescanning, for missing documents or for originals to be forwarded.

After 1 – 2 months' storage on site, the process for off-site storage of patent grant process (PGP) paper files is initiated.

Receipt of patent-related data stored on a data carrier (CD, DVD, diskette, USB sticks, virtual drive, etc.) involves performing a virus check, defining the loading software and target EPO database, identifying which data need to be uploaded and then uploading them to the defined target EPO database and

handing the data carriers back to the EPO.

The File Management Team in The Hague deals with incoming emails containing third party observations (3PO); these are assigned to the file concerned and uploaded to the respective file management tool.

Requests for rescanning of an original document are performed by retrieving the original file, rescanning the respective documents and uploading the rescans to the file management tool.

A list is provided to the external processor of paper files in off-site storage (the central file store) which meet the DG1 destruction criteria and legal retention policy. The files are then retrieved, listed as becoming obsolete in the contractor and EPO tools and scheduled for destruction.

The agreement also includes indexing and scanning DG5 PGP-related documents and application cases. Batches of original documents are made available by DG5, indexed, scanned and OCR-processed by the external processor and sent back to DG5.

A further task performed by the File Management Team in The Hague consists of manually amending the bibliographic data of international applications published in the data processing system of the EPO, as some data cannot be converted automatically after being transmitted online from the World Intellectual Property Organization. This includes creating, checking, re-formatting and/or updating applicants' and/or inventors' addresses. Processed PCT application numbers are uploaded to EPASYS and/or, in exceptional cases, a partly processed application is returned to the EPO for final processing.

A further task performed by the File Management Team in The Hague consists of matching addresses (applicant, postal or representative addresses) with the existing addresses in the CDS (Client Data System). When new applications (PCT/ISA, PCT/RO, EP-OLF, EP-paper,) are received at the EPO, an internal tool called Python tries to match the addresses received with existing ones in CDS without human intervention. If the tool does not find a 100% match, a matching request is sent to SPQR. The addresses are grouped by procedure, as the matching criteria are slightly different for each procedure (data entry rules for addresses at the EPO).

An address matched by the File Management Team in The Hague is sent automatically to Python for further processing, or a partly processed application is returned to the EPO for final processing.

Another task consists of visually checking all pages of EP application documents on screen to ensure that certain formal requirements are met. Since 1 April 2024, this task has been performed by formalities officers in DG1 Directorates.

The last task done on site by the external processor at the Logistics Centre in The Hague consists of finalising certified copies printed by the EPO. The certified copies are added to empty wrappers. The wrappers are bound, and any necessary elements are added. All contents are then packaged (e.g. envelope or other) and placed in the out tray to be sent to the external recipients/customers.

2. What personal data do we process?

The following categories of personal data are processed:

Externals:

- Address
- Mobile phone number
- Work email address

- Personal email address
- Home address
- Contact details
- Private phone number
- Country
- Phone numbers
- Personal data potentially included within the content of patent procedure-related information and publications
- Personal data potentially included within the content of a patent (claims, description, drawings, abstract)
- Personal information provided voluntarily
- Additional Information which might be provided in the course of exchanges
- Full name
- Surname
- First name

EPO Employees:

- First name
- Surname
- Full name
- Phone numbers
- Business unit division

3. Who is responsible for processing the data?

Personal data are processed under the responsibility of DG 1's PD – 1.1 - COO Operations, acting as the EPO's delegated data controller.

Personal data are processed by the EPO staff involved in managing the processing activity referred to in this statement.

External contractors involved in the processing activity may also process personal data, which can include accessing it.

The data is received by the employees of the contractor. They perform their duties on site at the EPO premises.

The external processor comes under the responsibility of the Logistics Centre in The Hague and Munich. The location of the external processors is on site at the EPO premises in The Hague and Munich.

EPO staff in Directorate 1195 (File Management & Publications – TH / File Management & CDR – MU) interact with the contractor under Logistics Centre TH and MU.

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

Personal data are disclosed on a need-to-know basis to the EPO staff working in DG 1's PD – 1.1 - COO Operations. Personal data may be disclosed to a third-party service provider involved in the activity. All work takes place on site at the EPO, even if performed by an external processor.

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.

External providers processing personal data have committed in a binding agreement to comply with their data protection obligations under the applicable data protection legal frameworks.

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 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, which includes the processing necessary for the Office's management and functioning) and Article 5(b) DPR (processing is necessary for compliance with a legal obligation to which the controller is subject).

In particular, personal data are processed for the purposes of the EPO's task under Article 4(3) EPC of granting European patents, as further specified in the relevant provisions of the EPC and the other provisions applicable under it. Where these data are required for proceedings under the EPC, their processing is mandatory (mandatory personal data). The same applies mutatis mutandis to data required for proceedings under the PCT and the UPR.

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 will be deleted after five 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.

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. You can also contact our Data Protection Officer at 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 Article 49 DPR and, if you disagree with the outcome of the review, the right to seek legal redress under Article 50 DPR.