

Data protection statement¹ on the processing of personal data in the context of cooperation and meetings with international organisations, agencies, and institutions

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 EPO cooperates with international organisations, agencies, institution and national authorities and their representatives in other international cooperation formats. Principal Directorate 5.3 Patent Law and Procedure is in charge of maintaining such cooperation on working level in the area of its competences, especially with WIPO – in relation to the administration of, and the exercise of the EPO's tasks under, the PCT –, with the Community Plant Variety Office (CPVO) and with the Institute of Professional Representatives before the EPO (epi), inter alia.

Personal data are processed where necessary for such cooperation, especially in the context of participating in exchanges of views or joint activities with, or under the auspices of, other international organisations and agencies, such as, in particular, WIPO, CPVO, and epi.

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

This data protection statement relates to the processing of personal data in the context of such cooperation activities and meetings with, or under the auspices of, other international organisations and agencies, such as, in particular, WIPO, CPVO, and epi. .

Personal data collected by Principal Directorate 5.3 Patent Law and Procedure are stored in the shared drive or in the case management system and are only accessible to the responsible directorate within the Principal Directorate. Collected data may be shared outside the EPO, particularly with WIPO, the CPVO, epi or a national patent office involved in the relevant meeting or activity.

The purpose of the processing is to ensure an effective cooperation with international organisations, agencies, institution and national authorities and their representatives in other international cooperation formats, including in the context of the PCT and other agreements administered by WIPO, in the context of the international and European system for the protection of plant varieties, and in the context of the work of the Legal Division, and thereby to further improve the quality of the EPO's products and services. This entails

- the organisation of, and participation in, joint activities, seminars, workshops and meetings of any kind, in virtual form, in hybrid form or in person,
- the organisation of, and participation in, written exchanges and consultations

with international organisations, agencies, institution and national authorities and their representatives in any international cooperation formats, including, in particular, with WIPO, CPVO, and epi.

2. What personal data do we process?

The following types/categories of personal data can be processed:

- identification data, professional contact details (such as name, email address, organisation/user association, business unit, job title)
- correspondence, including documents, opinions or other personal data provided in the course of exchanges, deliberations and decision-making processes
- meeting minutes
- case management system reference
- in the case of physical meetings, dietary requirements or information on physical mobility may be collected, as well as group pictures taken (the latter may be published on the EPO's intranet)

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.

Personal data are processed by EPO staff involved in the specific cooperation activity or meeting referred to in this statement, including staff from Principal Directorate 5.3 Patent Law and Procedure. Principal Directorate 0.2 Communications employees may act as internal processors.

External contractors involved in providing and maintaining services necessary for the processing described above can also process personal data, which may include accessing it. These include Zoom, Elite (formerly Thomson Reuters), OpenText and Microsoft.

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

EPO staff in unit in charge of the cooperation activity or meeting within Principal Directorate 5.3 Patent Law and Procedure have access to the personal data processed during the activities described above.

Personal data may be disclosed, on a need-to-know basis, to the EPO staff working in PD 0.2 Communications, EPO management and EPO staff in other departments who are involved in the cooperation activities and meetings referred to in this statement.

Personal data will also be shared with the international organisation, agency, institution and national authority as necessary for the activity. In rare cases, personal data may be shared with external persons/members of the public, e.g. where personal data is contained in the summary of a meeting and that summary is included in a meeting document published in accordance with the applicable rules, regulations and practices.

Personal data may be disclosed to third-party service providers for the provision and maintenance of services necessary for conducting the activities described above, such as Zoom, Elite (formerly Thomson Reuters), OpenText and Microsoft.

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 to the systems and network, need-to-know and least-privilege principles)
- 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.

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 the 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 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 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?

Data subject rights can be restricted as a result of the following legal provision:

- Circular No. 420, Article 4(1)(h) "pursuant to Article 25(1)(c), (d), (g) and (h) DPR when providing or receiving assistance to or from competent public authorities, including from EPC contracting states and international organisations, or when co-operating with them on activities defined in relevant service level agreements, memoranda of understanding and co-operation agreements, either at their request or on the Office's own initiative".

Otherwise, 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), unless the EPC, the PCT or any practices or provisions applicable under them require differently in relation to personal data processed in the patent granting and related procedures (see the Decision of the President of 13 December 2021, OJ EPO 2021, A98).

The right to rectification can only apply 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 ones made by third parties. The right to erasure does not apply where any legal obligation on the controller requires the processing of personal data.

If you would like to exercise any of these rights, please write to DPOexternalusers@epo.org if you are an external data subject; otherwise contact the delegated data controller at pdpatentlaw-dpl@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](#) (for externals) or this [form](#) (for internals) 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, i.e. when "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. The default retention period of 20 years for Legal Affairs applies as follows: after 20 years, should a file be consulted by members of the unit in charge of the cooperation activity or meeting within Principal Directorate 5.3 Patent Law and Procedure, they will assess whether the file should be kept as-is, anonymised or destroyed. Files considered still necessary will be kept for 10 more years, after which the same procedure applies again until destruction or anonymisation.

The minutes of official WIPO meetings, including the name of the chair and the list of participants, are not subject to any time limitation.

Information on dietary requirements or physical mobility is deleted as soon as it is no longer needed, usually within three months after the event.

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 contact the DPO and/or the delegated data controller at DPOexternalusers@epo.org if you are external. EPO employees should contact the delegated data controller at pdpatentlaw-dpl@epo.org or the Data Protection Officer at dpo@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.