

Data protection statement¹ on the processing of personal data in the context of the maintenance of the register of legal practitioners

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.

Legal practitioners may undertake representation in proceedings established by the European Patent Convention (EPC) in the same way as a professional representative registered on the list of professional representatives, provided that they meet the requirements set out in Article 134(8) EPC. The Legal Division of the EPO is responsible for the maintenance of the register of legal practitioners. This involves processing the personal data of professional representatives.

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

This data protection statement explains how the EPO's Principal Directorate 5.3 Patent Law and Procedures (PD 5.3) and more specifically the Legal Division manages the registration of legal practitioners in – and their deletion from – the register it keeps of such representatives, which is an internal EPO database.

To be registered in this register, legal practitioners must show that they fulfil the requirements set out in Article 134(8) EPC. This involves providing their personal data, such as their name and address, as well as documents providing proof of bar membership. Deletion is at the request of the legal practitioner or of another (e.g. surviving dependent, bar association). For the EPO to be able to delete the legal practitioner from the register, particular documents must be submitted. Which documents must be submitted depends on the reason for the deletion.

The processing of the aforementioned requests might necessitate the sharing of the data with other units within the EPO, mainly to address questions arising from the case, or to provide relevant information necessary to perform tasks associated with being registered as a legal practitioner, e.g. to allow invitations to take part in specific events or surveys, etc.

The purposes of this processing of personal data are the compilation and administration of the register of legal practitioners by the EPO and providing up-to-date information to stakeholders, including all associated actions, such as those to ensure a proper and efficient information flow and management of associated activities. This encompasses the following elements:

- registration in and deletion from the register of legal practitioners and use of this information by the EPO for related actions during patent grant proceedings, including publication of the name of the legal practitioner as representative in the European Patent Register;
- preparation of statistics.

2. What personal data do we process?

¹ Version November 2024

The following types/categories of personal data are (or might be) processed with regard to the legal practitioner and/or individual interacting with the EPO:

- personal identifying data, including contact details (e.g. name, email address, phone number);
- correspondence with the EPO, in particular supporting evidence (e.g. proof of bar membership);
- ticketing data.

The following types/categories of personal data are (or might be) processed with regard to EPO staff involved in the maintenance of the register of legal practitioners:

- personal identifying data, including contact details (e.g. name, email address);
- employment information (e.g. place of work, personnel number, job title);
- ticketing data.

3. Who is responsible for processing the data?

Personal data are processed under the responsibility of PD 5.3 Patent Law and Procedures, by PD 5.3 staff who work on maintaining the register of legal practitioners.

External contractors involved in maintaining services necessary for the maintenance of the register of legal practitioners, such as Microsoft and ServiceNow, may also access and process the personal data.

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

PD 5.3 staff who work on maintaining the register of legal practitioners have access to the personal data.

Personal data are disclosed on a need-to-know basis to the following units:

- DG0 President's Office;
- DG1 Patent Grant Process ;
- DG5 Legal and International Affairs;
- depending on the matter, other units may also be involved. e.g. the Boards of Appeal in the case of an appeal.

Personal data may be disclosed to third-party service providers, such as Microsoft and ServiceNow, for the purposes of the maintenance of services necessary for the maintenance of the register of legal practitioners.

Personal data will only be shared with authorised persons responsible for the necessary processing operations and 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, 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 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.

In principle, the EPO operates 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 restricted access.

For personal data processed on systems not hosted on EPO premises, 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. External 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?

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 otherwise in relation to personal data processed in the patent granting and related procedures (see the [Decision of the President](#) of 13.12.2021, 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 those made by third parties. The right to erasure does not apply where the controller has a legal obligation that requires the processing of personal data.

If you would like to exercise any of these rights, external data subjects should write to the delegated data controller at DPOexternalusers@epo.org. EPO staff can contact 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 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 DPR. Accordingly, personal data are processed when:

- a) 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,
- b) (b) processing is necessary for compliance with a legal obligation to which the controller is subject (e.g. in connection with the filing of authorisations).

Personal data are processed on the basis of the following legal instrument:

- Art. 20 EPC, Art. 134 EPC, Rule 143(1)h EPC, Rule 152 EPC and Decision of the President of the European Patent Office dated 21 November 2013 concerning the responsibilities of the Legal Division, OJ EPO 2013, 600; Decision of the President of the EPO dated 12 July 2007 on the filing of authorisations (Sp. Ed. 3, OJ EPO 2007, L.1.).

8. 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.

For reasons of legal certainty, personal data are kept for up to 99 years from the entry date in the register of legal practitioners.

This period is necessary to cover the average lifespan of a legal practitioner and any consequences that may arise subsequent to proceedings due to the death or the retirement or disbarment of a legal practitioner, including any disciplinary consequences in the event of disbarment.

In the event of a formal appeal/litigation, all data held when the formal appeal/litigation was initiated will be kept until the proceedings have been concluded.

9. Contact information

External data subjects who have any questions about the processing of their personal data should contact the delegated data controller at DPOexternalusers@epo.org. EPO staff should contact pdpatentlaw-dpl@epo.org.

EPO staff may also contact our data protection officer (DPO) at dpo@epo.org, while externals may contact our DPO 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 a 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.