

## **Data protection statement on the processing of personal data within the framework of recording of oral proceedings for the purpose of preparing the minutes of oral proceedings with the assistance of artificial intelligence**

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 uses AI with the aim of increasing quality and efficiency in the patent grant process. To date, these technologies have been applied in the areas of classification, search and machine translation. Taking advantage of the continuous technological developments in the field of AI and in line with the Strategic Plan 2028, the EPO is gradually expanding its use for examination and opposition, closely following the human-centric approach for the use of AI.

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

This data protection statement relates to the use of the capabilities of AI technology to assist examiners of selected examining and opposition divisions in drawing up minutes of oral proceedings with the aim of improving their quality and consistency, and thereby gradually enhance the overall effectiveness and timeliness.

To this end, oral proceedings before these divisions will be audio recorded in their entirety. The division will then use the transcript extracted from the video conferencing platform to draw up the minutes of the oral proceeding with the assistance of an AI tool. The draft(s) created will then be used as a basis to write the formal minutes of the oral proceedings. This applies to all oral proceedings before examining and opposition divisions as well as those before the Receiving Section and Legal Division.

The participating parties are pre-informed that the oral proceeding will be audio recorded. A free-text information letter will be transmitted by the formalities officers to the parties at the beginning of each month for all oral proceedings scheduled in the subsequent month. This information will also be included in the video conference link sent prior to the oral proceedings, including a reference to the [Presidential Decision](#) and the [related OJ Notice](#) published in Q2 2025.

Under the European Patent Convention (EPC), the minutes of oral proceedings are prepared by the competent division. Pursuant to Rule 124(1) EPC, the division will continue to draw up the minutes containing the essentials of the oral proceedings and the relevant statements made by the parties/witnesses. The second member and the chair will also continue to authenticate the minutes either by way of their signature, or by any other appropriate means (Rule 124(3) EPC). The format of the minutes of oral proceedings will thus remain unchanged. Under the EPO's human-centric approach to using AI technology, the responsibility for the content of the minutes will remain entirely with the competent division.

Relating to the purpose of processing data, please also see the detailed information about the specifics of the patent granting process (PGP) procedures published in the [Decision of the President of the European Patent](#)

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 which 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?**

Personal data are collected when users perform procedural tasks or file procedural requests during the oral proceedings.

The following categories of personal data are processed:

- address as indicated in the European Patent Register
- nationality
- government identifiers (national identity card details, passport number)
- patent record bibliographic
- personal data potentially included within the scope of a patent application and of patent procedure-related information and publications
- personal data potentially included within the content
- given name(s)
- surname
- general authorisations and related dates
- affiliation with an association and related dates

The additional categories of personal data noted below are processed in line with the relevant provisions of the EPC, in particular:

- applicant's name (i.e. surname, given name(s)), address, nationality and state of residence or principal place of business (Rule 41(2)(c) EPC)
- applicant's fax and phone numbers, where provided (Rule 41(2)(c) EPC)
- applicant's signature (Rule 41(2)(h) EPC)
- name of any representative, their signature, address of their place of business (Rules 143(1)(h), 41(2)(d), 92(2)(c) EPC) and, where provided, representative number, association number and fax and phone numbers
- inventor's name and country and place of residence (Rule 19(1) EPC)
- personal data contained in copies of previous applications where applicants claim their priority (Rule 53(1) EPC)
- any personal data relating to third-party observations, evidence, prior art, IT tools and services and oral proceedings, where applicable
- any other personal data provided by a party during the proceedings

## **3. Who is responsible for processing the data?**

Personal data are processed under the responsibility of DG 1's PD 1.1 Chief Operations Officer acting as the EPO's delegated data controller.

Personal data are processed by the EPO staff involved in managing the framework of AI-assisted minute writing for oral proceedings.

External contractors involved in maintaining MyEPO Portfolio may also be tasked with processing – and possibly accessing – personal data.

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

Personal data are processed on a need-to-know basis by the departments of the EPO specified in Article 15(a) to (e) EPC, as well as any other EPO staff involved in:

- carrying out the procedures and tasks laid down in the EPC and the legal provisions applicable under them respectively;
- providing user and technical support;
- improving the patent grant process.

The personal data are disclosed on a need-to-know basis to the EPO staff working in DG 1 Patent Granting Process, Boards of Appeal, DG 4 Business Information Technology and DG 5 Legal and International Affairs.

External contractors providing the tools used to record the proceeding create the transcript and minutes and may also access the personal data.

Personal data will only be shared with authorised persons responsible for the necessary processing operations under the EPC and its Implementing Regulations and any provisions applicable under them. They will not be used for any other purposes or disclosed to any other recipients.

Neither the audio recording nor the transcript will be made available to the parties. In accordance with Rule 144(b) EPC, the recording and the transcript will remain excluded from the public file.

#### **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 networks, principles of need-to-know and least privilege)
- logical security hardening of systems, equipment and networks
- physical protection: EPO access controls, additional access controls to data centres and 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 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 systems 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 and network intrusion detection system (IDS), network intrusion protection system (IPS) and audit logging) and 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?**

Users have the right to access, rectify and receive their personal data, to have their data erased and to restrict and object to the processing of their data, as outlined in Articles 18 to 24 DPR.

However, as with all secondary legislation adopted by the Administrative Council in accordance with its powers under Article 33(2) EPC, the DPR are subject to the provisions of the EPC, including its Implementing Regulations, which form an integral part of the EPC under Article 164(1) EPC. Accordingly, any data subject rights under the DPR apply only to the extent that they do not conflict with the provisions of the EPC and its Implementing Regulations.

The audio recording of oral proceedings is used by the competent examining or opposition division for preparing a transcript of the oral proceedings. This transcript is then used to draw up the final written minutes of the oral proceedings with the assistance of AI. Once the minutes of the oral proceedings are issued to the parties to proceedings, the audio recording will immediately be deleted. The same applies to any transcript made on the basis of the audio recording. Accordingly, neither the audio recording nor the transcript will be made available/accessible to the parties. In accordance with Rule 144(b) EPC, the recording and the transcript as preparatory documents will remain excluded from the public file.

If you would like to exercise any of these rights, please write to the delegated data controller at [DPOexternalusers@epo.org](mailto: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.

Please bear in mind that data protection is not an absolute right. It must always be balanced against other fundamental rights and freedoms, and there may be circumstances where one or more of a data subject's rights may be refused.

These rights may also be restricted for a temporary period of time on the legitimate grounds laid down in Article 25 DPR (e.g. in accordance with Article 25(1) DPR, "(...) to safeguard (g) a monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority or (h) the protection of the data subject or the rights and freedoms of others"), by legal acts adopted at the level of at least the President of the Office or the President of the Boards of Appeal, or under Circular No. 420 implementing Article 25 of the Data Protection Rules. The Circular provides that any such restriction must be limited in time and proportionate, and must respect the essence of the data subject's rights.

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 5a 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 EPO's

management and functioning) and Article 5b 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).

## **8. How long do we keep your data?**

The audio recording and transcript will be deleted as soon as the minutes are dispatched to the party/parties to proceedings.

A patent provides legal protection for up to 20 years, and there is no limit to how long the post-grant procedures can last. After the patent granting procedure, there can be an opposition procedure which will review the patent granting procedure and involve members of the examining division. These members need to be able to retrieve their actions and comments. Moreover, after the patent granting procedure, there can be an appeal procedure whose outcome can be to reopen the examination procedure by the examining division. After that, revocation and limitation procedures may take place at any time, even after expiry of the patent protection. The examining division needs to be able to retrieve the actions and comments of the initial procedure. For more information, see the [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 \(OJ EPO 2021 A98\)](#).

Personal data which are used as part of the patent grant procedure are stored indefinitely.

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](mailto:DPOexternalusers@epo.org).

EPO-internal users should contact our Data Protection Officer at [dpo@epo.org](mailto: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.