

## **Data protection statement on the processing of personal data in the context of storing a sample of patent grant process (PGP) paper files in EPOs Culture Space A&T5-10 (C-Lab)**

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.

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

This data protection statement relates to the handling of personal data in PGP paper files which are stored in the Culture Space A&T5-10. The storage is part of a broader initiative to preserve and showcase the historical and artistic heritage of the EPO in a secure exhibition.

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?**

The personal data processed encompasses information contained in the paper files and its right pocket, consisting of publicly available material that is also accessible in electronic form in accordance with Rule 147(1) EPC. Particularly, this may involve:

- bibliographic data used in the patent granting process (name, address, city, country, telephone number, email address);
- authors of publicly available prior art;
- names and contact details of professional representatives and their administrative assistants;
- names and user IDs of EPO staff involved in the examination of the files, i.a. members of the examining division, directors, FOs.

The parts of the paper files excluded from inspection under Article 128, paragraph 4 have been removed to ensure their confidentiality in accordance with the restrictions laid down in Rule 144 EPC and in the decision of the President of the EPO dated 12 July 2007, [Special edition No. 3, OJ EPO 2007](#), J.3).

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

Personal data are processed under the responsibility of Vice President Corporate Services, DG 4, acting as the EPOs delegated data controller.

Personal data are processed by the EPO staff involved in managing the activity referred to in this statement. The external contractor involved may also process personal data, which can include accessing it.

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

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.

Personal data may be disclosed to third-party service providers for maintenance and support purposes.

#### **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 and access. In general, personal data will not be shared with any recipient. Visitors of the exhibition are not allowed to access the files and the personal data contained therein. Respective visible signs and markings are in place accordingly within the Culture Space. Additionally, documents contained in the left-hand pocket and in the so-called "Beiheft" of each exhibited paper file have been removed. The paper files thus do not hold any non-public patent.

More generally, access to the Culture Space is controlled by physical security measures, including building entry controls, visitor badges, and security staff present during opening hours.

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, 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?**

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 [President-DPL@epo.org](mailto:President-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 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?**

The storage of PGP paper files in the Culture Space is part of a broader initiative to preserve and display the historical and artistic heritage of the EPO. Personal data are processed in accordance with the decision of the President of the EPO dated 13 December 2021 concerning the processing of personal data in patent-grant and related proceedings, [OJ EPO 2021](#), A98. While it moves away from the initial purpose of the patent granting procedure, the use continues to be part of the official activity of the EPO under the EPC and is thus based on Article 5(a) DPR.

Additionally, the use of personal data from public patent records within the exhibition space is justified by the principle of freedom of artistic expression, as recognised under Article 19 of the Declaration of Human Rights and echoed in Article 20(3)(a) DPR and in the EPO Service Regulations.

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

Personal data will be kept for 60 years, in line with the retention period set for the PGP paper files concerned in the EPO Documentation Policy.

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 controller at [President-DPL@epo.org](mailto:President-DPL@epo.org) (for internal staff) or to [DPOexternalusers@epo.org](mailto:DPOexternalusers@epo.org) (for external users). 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](#) (form for internals) or this [form](#) (for externals) and submit with your request.

You can also contact our Data Protection Officer at [dpo@epo.org](mailto: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.