

## **Data Protection Statement/Privacy Statement on the processing of personal data in the context of the Pan-European Seal (PES) Talent Bank**

The protection of your privacy is of the utmost importance to the European Union Intellectual Property Office and the European Patent Office (hereinafter the “Offices”). Both Offices are committed to respecting and protecting your personal data and ensuring your rights as a data subject. All data of a personal nature, namely data that can identify you directly or indirectly, will be handled fairly, lawfully and with due care.

This processing operation by the European Union Intellectual Property Office (hereinafter “EUIPO”) EUIPO is subject to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC. The information in this communication is provided pursuant to Articles 15 and 16 of Regulation (EU) 2018/1725.

As an international organisation established by its own international treaty signed by 38 member states with its organisational autonomy, the European Patent Office (hereinafter “EPO”) fulfils its mission of providing high quality and efficient services under the European Patent Convention. The EPO is not a body of the EU or bound by EU law and is legally autonomous for its mission, applying its own legal framework.

Against this background, the above mentioned processing operation by the EPO is subject to the EPO Data Protection Guidelines (hereinafter “DPG”). The information in this communication is provided pursuant to Articles 13 ff of the DPG.

### **1. What are the nature and the purpose(s) of the processing operation?**

The purpose of the PES Talent Bank is to provide a cooperation platform between the European Union Intellectual Property Office and the European Patent Office in the field of intellectual property in collaboration with other relevant European Union institutions and organisations. The PES Talent Bank provides former PES trainees a portal for submitting applications for traineeship and job opportunities.

The purpose(s) of the processing of your personal data is to allow associated partners to publish traineeship and job offers (for the contact persons of the associated partners), and to allow applicants to submit their CVs and make their personal information and professional experience available (for the PES trainees).

The processing is not intended to be used for any automated decision making, including profiling.

### **2. What personal data do we process?**

The categories/types of personal data processed are the following:

For job/traineeship applicants: first name, surname, date of birth, nationality, telephone number, address, email address, year of Pan-European Seal traineeship and institution (EUIPO or EPO), PES University member name, education level and field of study, applications history, and all information available in users’ CVs, traineeship report issued by EPO or EUIPO, and other attached documents voluntarily submitted by the applicant.

For the contact person of the associated partners (job/traineeship providers): Title (Mr, Mrs, Ms, etc.), full name, position, e-mail, phone, main area of expertise and professional experience.

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

In the framework of the PES Talent Bank, the EUIPO and the EPO act as joint controllers.

For the EUIPO, processing of the personal data is carried out under the responsibility of the Director of the Academy Department, acting as delegated data controller.

The EPO acts as a joint-controller in terms of validation of the completeness and accuracy of the data, as far as the former EPO trainees registered in the portal are concerned, and for the recruitment process upon extracting the data from the PES Talent Bank.

Personal data is processed by the EUIPO Academy, the DTD Department of EUIPO for management of the IT systems and the EPO European and International Co-operation and Human Resources Department.

For the processing of personal data by the EUIPO in the framework of pre-selection, selection and recruitment procedures, please find the information at [Privacy statement on processing personal data within the framework of pre-selection, selection and recruitment procedures at the EUIPO — officials, temporary agents, contract agents, national experts, trainees and agency staff.](#)

For the processing of personal data by the EPO in the framework of pre-selection, selection and recruitment procedures, please contact the EPO to be provided with the respective information.

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

The personal data is disclosed to the following recipients: for the EUIPO, the Academy staff and the staff of the Digital Transformation Department (DTD) for management of the IT systems; for the EPO, European and International Co-operation and Human Resources Department; the associated partners (job and/or traineeship providers).

The information concerning any job or traineeship recruitment process will only be shared with people necessary for the implementation of such measures on a need to know basis. The data are not used for any other purposes nor disclosed to any other recipient.

The information in question will not be communicated to third parties, except where necessary for the purpose(s) outlined above.

Personal data are not intended to be transferred to third countries.

### **5. How do we protect and safeguard your information?**

Both Offices implement appropriate technical and organisational measures in order to safeguard and protect your personal data from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to them.

All personal data related to job or traineeship recruitment procedures is stored on the EUIPO premises, in secure IT applications (the PES Talent Bank system and ShareDox) according to the security standards of the EUIPO as well as in specific electronic folders accessible only to the authorised recipients.

The database is password protected under single sign-on system and automatically connected to the user ID. The e-records are held securely so as to safeguard the confidentiality and privacy of the data therein.

The following standard security measures of the EUIPO Information Systems are applied:

- Information will be stored in security hardened servers with access control measures and protected by username and password. No anonymous access allowed.
- Access to the website is restricted by username and password and is subject to prior validation by the EUIPO Academy.
- Authentication and authorisation to view and access information is based on roles.
- Servers are physically protected at the Data Processing Centre.
- Network security is configured to prevent external threats from accessing the servers.

Paper documents are kept in safe cupboards in the EUIPO Academy and the key is held by the Academic Initiatives Team.

The appropriate documents are signed between the EUIPO, the EPO and the associated partner to:

- ✓ guarantee the confidentiality and the privacy of the personal data by the recipient party, e.g. ensure that it complies with, and that its acts or omissions do not cause either Offices to be in breach of any applicable laws or regulations related to such processing including, the case be, but not limited to the Regulation (EU) 2018/1725 (‘Regulation’) and the DPG;
- ✓ have in place adequate contractual, technical and organisational security measures to ensure that the confidentiality of such processing is in compliance with the provisions applicable to the respective Offices; and
- ✓ provide either Office on demand with details of the contractual, technical and organisational security measures.

The EPO and the approved associated partners (job and/or traineeship providers) are responsible for the security of information processed once they extract the personal data and undertake a recruitment process, and shall take the necessary technical and organisational measures to secure data against accidental destruction or loss and against unauthorised access, alteration or dissemination.

The joint-controllers and the associated partners dealing with personal data in the context of the PES Talent Bank procedures, at any stage, shall sign a Memorandum of Understanding (‘MoU’) which includes a clause on protection of personal data, including the duty of confidentiality. Transfer of personal data between the joint-controllers is considered as necessary for the conclusion or performance of a contract (in the sense of the MoU) concluded in the interest of the data subject.

- 6. How can you obtain access to information concerning you and, if necessary, rectify it? How can you receive your data? How can you request that your personal data be erased, or restriction or object to its processing?**

You have the right to access, rectify, erase, and receive your personal data, as well as to restrict and object to the processing of your data, in the cases foreseen by Articles 17 to 24 of the Regulation (EU) 2018/1725, applicable to the processing by the EUIPO.

You have the right to access, rectify, erase, have access to your personal data, as well as to restrict and object to the processing of your data in the cases foreseen by articles 13 ff DPG, for the processing by the EPO.

For the EUIPO, if you would like to exercise any of these rights, please send a written request explicitly specifying your query to the delegated data controller, Director of the Academy Department. For the EPO, the written request should be sent to [paneuropeanseal@epo.org](mailto:paneuropeanseal@epo.org).

The right of rectification can only apply to inaccurate or incomplete factual data processed within the PES Talent Bank procedure.

Your request to the EUIPO will be answered free of charge and without undue delay, and in any event within one month of receipt of the request. However, according to article 14(3) of Regulation (EU) 2018/1725 that period may be extended by two further months where necessary, taking into account the complexity and number of the requests. We shall inform you of any such extension within one month of receipt of the request, together with the reasons for the delay.

Your request to the EPO will be answered free of charge and without undue delay.

## **7. What is the legal basis for processing your data?**

For both Offices, the legal basis for the processing of your personal data is consent.

As regards the EUIPO, the processing is based on Article(s) 5.1(d) of the Regulation (EU) 2018/1725 (persons have given free and informed consent).

You can at any time withdraw your consent by sending an email to [DPOexternalusers@euiipo.europa.eu](mailto:DPOexternalusers@euiipo.europa.eu). You can also delete your account from and withdraw your application to any offer in the portal.

The personal data are collected and processed in accordance with Decision of the Executive Director of 13 July 2016 approving the PES Talent Bank.

As regards the EPO, the processing, including upon extracting the personal data, for verification of the personal data and for carrying out the recruitment process, is based on Article(s) 5.e of the DPG (the data subject has given his consent).

You can at any time withdraw your consent by sending an email to [paneuropeanseal@epo.org](mailto:paneuropeanseal@epo.org).

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

Your personal data will be kept only for the time necessary to achieve the purpose(s) for which they will be processed.

The time limits for storing the data are the following:

- ✓ Data of validated accounts, namely, accounts of former PES trainees who have completed a traineeship at the EUIPO or the EPO and who provide as evidence a certificate for completion of such a traineeship which is to be validated by the Academy, is to be kept for as long as the account is active.
- ✓ User's accounts which have not been active for a period of 2 years will be deactivated upon the receipt of an email notifying them about this.
- ✓ Once deactivated, personal data is maintained for three months for the purposes of restoring the account, if the user wishes to do so. After this period, personal data is removed, with the exception of the year of Pan-European Seal traineeship, which is kept for statistical purposes.
- ✓ Accounts that have not been validated during creation or that have been considered invalid are maintained for 3 months for the purposes of allowing the user to provide evidence for the validation of the account. If no evidence is provided during this period, personal data is removed.

In the event of a formal litigation, all data held at the time of the lodging of the corresponding act, such as formal appeal, should be retained until the completion of the appeal procedures.

As far as the extraction of personal data by the EPO from the PES Talent Bank is concerned, the data will be deleted or anonymised as soon as it is no longer required for the purposes for which it has been collected, unless further processing or storage of the users' personal data is necessary in order to comply with a respective legal obligation.

## **9. Contact information**

Should you have any queries/questions concerning the processing of your personal data by the EUIPO, please address them to the data controller, Director Academy Department under the following mailbox: [DPOexternalusers@euiipo.europa.eu](mailto:DPOexternalusers@euiipo.europa.eu).

You may consult EUIPO Data Protection Officer: [DataProtectionOfficer@euiipo.europa.eu](mailto:DataProtectionOfficer@euiipo.europa.eu).

Should you have any queries/questions concerning the processing of your personal data by the EPO, please address them to [paneuropeanseal@epo.org](mailto:paneuropeanseal@epo.org).

You may also consult the EPO's Data Protection Officer: [dataprotection@epo.org](mailto:dataprotection@epo.org).

### **Form of recourse:**

In as much as the processing of personal data by the EUIPO is concerned, if you consider your request has not been responded to adequately by the delegated data controller and/or DPO of the EUIPO, you can lodge a complaint with the European Data Protection Supervisor at the following address: [edps@edps.europa.eu](mailto:edps@edps.europa.eu).

In as much as the processing of personal data by the EPO is concerned, if you consider your request has not been responded to adequately by the data controller and/or DPO of the EPO, for data subjects



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## DATA PROTECTION OFFICES

not submitted to the EPO's Service Regulations, please contact the EPO, so that adequate alternative means of redress can be offered to you, at the following address: [dpo@epo.org](mailto:dpo@epo.org).