

Privacy Statement on processing personal data in the Key User Programme

The protection of your privacy is of the utmost importance to the European Union Intellectual Property Office ('EUIPO' or 'us' or 'the controller'). The Office is 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 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.

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

The Key User Programme is a package of services provided to all Key Users to encourage them to make more use of online solutions and the current account, and to increase the proportion of straight-through files (mainly in EUTM and RCD applications).

The following services requested by the users are provided: an online chat, an improved User Area, a dedicated Key User management team and a dedicated communication channel to receive IP-related information, such as news on trade marks or designs, invitations to seminars, workshops and any other communications related to EUIPO services. Certificates of attendance may be issued to the participants.

Your personal data is processed for the purpose of providing the services mentioned above. The data may also be used to produce internal statistics to monitor the performance and quality of the Key User Programme, which are necessary to improve the services.

2. What personal data do we process?

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

- Data collected from the users signing up to the Key User Programme and stored only in the EUIPO systems:
 - EUIPO user ID number;
 - name and surname of the users as they appear in the EUIPO user (PER) database;
 - address of the user as it appears in the EUIPO user (PER) database;
 - administrative email address as provided in the User Area;
 - Key User contact name;
 - Key User contact email address;
 - Key User communication language;

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- consent to receive Key User notifications at the email address specified above;
 - In the context of visits (e.g; IPforYou): testimonials, photos, sounds, videos and audiovisual recordings. (Users will be informed of the processing of such data at the beginning of each event and a notice will appear on screens at the place of the event).
- Data of Key User Programme users which is transferred to the online chat system only when the user activates this system:
 - EUIPO user ID number;
 - EUIPO User Area user ID;
 - name;
 - name of Key User contact and organisation name;
 - EUIPO User Area administrative email address.

3. Who is responsible for processing the data?

The processing of personal data is carried out under the responsibility of the Customer Department director, acting as delegated EUIPO data controller. Personal data is also processed by the external service providers IECISA ALTIA and LivePerson.

4. Who has access to your personal data and to whom is it disclosed?

Personal data is disclosed to the following recipients:

- a) authorised EUIPO staff:
 - staff dealing with customers: Second Line agents, Key User managers, team leaders and managers;
 - external provider ⁽¹⁾ in charge of providing services to the EUIPO;
 - management of the Office;
 - staff (either internal or external providers) involved in the maintenance and support of EUIPO IT systems.
- b) Employees of LivePerson as an external service provider for the online chat.

If personal data is transferred to third-party providers outside the European Economic Area (EEA), all the provisions stipulated in Chapter V of Regulation (EU) 2018/1725 will be observed. In the majority of cases the LivePerson subprocessors located outside the EEA are either registered with Privacy Shield or indicate compliance with GDPR in terms of international transfers. In any case, LivePerson indicates that any transfer outside of the EEA that is not subject to Privacy Shield is also implemented via Standard Contractual Clauses.

⁽¹⁾ The personal data will be disclosed to EUIPO providers only in the framework of the provision of a service to the EUIPO necessary for the purpose of processing the data or the maintenance of the EUIPO systems on which the data is stored, and according to a specific contract.

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For more information on how LivePerson handles personal data, please consult here: <https://www.liveperson.com/policies/gdpr-data-privacy/>

c) Photos, sounds, videos and audiovisual recordings in the context of visits.

Data can be published on EUIPO communication channels or in the newsflash sent to all Key Users.

The EUIPO may provide, upon decision of the Executive Director or the Data Controller, personal data collected for the Key User Programme to other EU institutions or bodies in the framework of administrative cooperation. The personal data transferred may be used for statistical and communication purposes. In the case of this potential transfer of data taking place, the EUIPO will ensure that the EU institutions or bodies involved are aware that the personal information transferred can be only used for the purposes mentioned above.

5. How do we protect and safeguard your information?

We take appropriate technical and organisational measures to safeguard and protect personal data from accidental or unlawful destruction, loss, alteration and unauthorised disclosure or access.

All personal data related to the Key User Programme is stored in secure IT applications according to the security standards of the Office, as well as in specific electronic folders accessible only to the authorised recipients. Appropriate levels of access are granted individually only to the abovementioned recipients.

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

Everybody who deals with personal data in the context of the Key User Programme, at any stage, signs a confidentiality declaration.

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 restrict / 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 provided for by Articles 17 to 24 of Regulation (EU) 2018/1725.

If you would like to exercise any of these rights, please send a written query explicitly specifying your request to the delegated data controller.

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Your request will be answered free of charge and without undue delay, and usually within 1 month of receipt of the request. However, according to Article 14(3) of Regulation (EU) 2018/1725, that period may be extended by 2 months where necessary, taking into account the complexity and number of the requests. We will inform you of any such extension within 1 month of receipt of the request, together with the reasons for the delay.

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

Personal data is processed on the basis of Article 5(1)(c) of Regulation (EU) 2018/1725, which states that 'processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract'.

Personal data is collected and processed in accordance with the following legal instrument: [Key User Programme terms and conditions](#)

8. How long do we store your data?

Personal data will be kept only for the time necessary to achieve the purpose for which it is processed.

As long as users remain in the Key User Programme, the information collected for the purpose of the programme is maintained in EUIPO systems. Information from the PER database is part of the register of the Office and the abovementioned retention period does not apply to it. Information transferred to LivePerson is retained in LivePerson's infrastructure for a period of 13 months.

Personal data contained in the certificates of attendance issued for the users who participated in events will be stored in the internal document management database for a period of 2 years after the event (closing date).

Feedback, testimonials, photos, sounds, videos and audiovisual recordings will be kept for a period of 2 years after the event (closing date).

In the event of a formal appeal, all data held at the time of the formal appeal should be retained until the completion of the appeal process.

9. Contact information

Should you have any queries on the processing of your personal data, please address them to the data controller, the Customer Department director, at the following email address: DPOexternalusers@euipo.europa.eu.

You may also consult the EUIPO data protection officer by sending an email to: DataProtectionOfficer@euipo.europa.eu.

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Form of recourse

If your request has not been responded to adequately by the data controller and/or DPO, you can lodge a complaint with the European Data Protection Supervisor at the following address: edps@edps.europa.eu.