

## **Privacy Statement on processing personal data in the context of managing user interactions**

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

Users may interact with the First Line and/or Second Line of the Information Centre team that provides guidance and support for those using the EUIPO's services. They may also interact with Customer Department – Complaints that manages complaints regarding the services provided by the EUIPO or its processes. In this context, these teams collect and process personal data pertaining to individual users and staff members contacting the EUIPO by means of telephone calls, emails, the website (User Area, online forms, online chat), letters, personal visits, or videoconference tools such as Microsoft Teams. Microsoft Teams is a cloud-based application included as part of Office 365. It offers users more flexibility and aims to improve communications and collaboration between stakeholders and the EUIPO.

The purposes of the processing operation are to:

- facilitate the management of users' interactions with the EUIPO (user queries and complaints);
- improve the efficiency and quality of the information services provided to the EUIPO's users;
- contact the EUIPO's users to follow up on previous interactions and for further communications with regards to news on trade marks or designs, invitations to seminars, workshops and any other communications related to the EUIPO's products and services;
- produce statistical reports to:
  - obtain metrics regarding user interactions, EUIPO accessibility and response time to ensure compliance with the EUIPO's Service Charter;
  - ensure external providers comply with service-level agreements;

- identify areas of improvement and facilitate workflow and team planning and coordination, according to the [Privacy Statement](#) on Immediate Feedback Survey.

Your personal data will not be used for any automated decision making, including profiling.

## 2. What personal data do we process?

No special categories of data are processed (sensitive personal data).

In the context of the user interactions the data processed is:

- **contact information:** first name, last name, username, company name, address, country, telephone number, fax number and email address;
- **interaction data:** interaction record/complaint ID, time, date, language, country, status, channel, subject, content or description of the interaction, participation in events, categorisation, file number, group responsible, person or team tasked with replying, employee responsible and previous interaction;
- **identification data:** PER ID, country, languages, IP address, status of the file, examiners in charge of the file and any other data obtained from the EUIPO's back office systems.

Through Microsoft Teams, additional data may be collected as follows:

- **personal details:** username, first name, last name, email address, work telephone number, current function and preferred language;
- **communication data:** IP address, cookies, connection data and access times;
- pictures, video and sound recordings, transcripts and recordings of the communications with the EUIPO;
- metadata used for the maintenance of the service provided;
- any data (potentially) processed in the context of file sharing for professional activities (e.g. message, image, files, voicemail, calendar meetings, contacts and similar).

For further information, consult the [Microsoft Teams privacy statement](#).

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

Personal data processing is carried out under the responsibility of the Customer Department director, acting as the delegated EUIPO data controller. The Information Centre (First Line) services are guaranteed by the joint cooperation of the teams led by the Head of the Customer Care Service, the Digital Transformation Department (DTD) director, examiners from the Operations Department (OD) and the Service Manager of the external service provider eXTEL Contact Centre, which acts on behalf of the EUIPO as data processor.

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

Personal data is disclosed to the following recipients.

- The Customer Department, and in particular, the Information Centre (First Line and Second Line), Customer Department – Complaints, the Key User Management team and the Customer Feedback team.
- Internal and external staff from DTD for the technical maintenance of the IT tools.
- Other EUIPO departments which are needed to resolve the customer query or complaint (for example, examiners from OD, staff from the Finance Department or representatives of the Boards of Appeals).
- Various IT tools which may be engaged in the process of user interactions these tools may have access to some personal data. To find out further information on how these tools process your personal data, please consult their specific privacy statements:
  - [Online Chat](#)
  - [Microsoft Teams](#)
  - [LimeSurvey](#)
  - [GetResponse](#)
  - [Mail Management Services](#)

Information concerning the data processing will be shared only with those people required to implement such measures on a strictly need-to-know basis. Personal data is not used for any other purposes and is not disclosed to any other recipient(s).

Personal data will not be transferred to third parties, except where necessary for the purpose(s) outlined above.

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

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

All personal data related to the management of user interactions is processed by integrated customer relationship management software that compiles information on customers and their interactions with the EUIPO from several sources.

The EUIPO also uses other systems/databases in which data is stored in a secure environment according to the EUIPO's standards, as well as in specific electronic folders accessible to authorised recipients only. Appropriate levels of access are granted individually only to the abovementioned recipients.

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

Microsoft Teams has been configured to keep the information you exchange confidential by encrypting all communications and stored data, and disallowing anonymous access. For more information on Microsoft Teams, please check the [specific privacy statement](#) posted on the EUIPO website.

Anyone dealing with personal data in the context of the management of user interactions, at any stage, must sign a confidentiality declaration that is kept in the folder of the procedure.

**6. How can you access your personal information and, if necessary, correct it? How can you receive your data? How can you request that your personal data be erased, or restrict or object to its processing?**

You have the right to access, rectify, erase, and receive your personal data, as well as restrict its processing and/or object to the same, as provided in Articles 17 to 24 of Regulation (EU) 2018/1725.

The right to rectification only applies to inaccurate or incomplete factual data processed within the scope of the management of user interactions.

If you would like to exercise any of these rights, please send a written query explicitly stating your request to the delegated data controller, the Customer Department director, at: [DPOexternalusers@euipo.europa.eu](mailto:DPOexternalusers@euipo.europa.eu).

Your request will be answered free of charge and without undue delay, and in any event 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 requests. The EUIPO 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 in accordance with Article 5(1)(a) of Regulation (EU) 2018/1725, which states that 'processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body'.

Personal data is collected and processed in accordance with the following legal instruments.

- Article 2 of Decision No ADM-20-31 on the Internal Structure of the Office;
- Decision No ADM-00-37 of the President of the Office of 9 July 2001 on the adoption of a Code of Good Administrative Behaviour;
- Article 151(1)(a) of Regulation (EU) 2017/1001 <sup>(1)</sup>;
- Article 151(1)(b) of Regulation (EU) 2017/1001.

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<sup>(1)</sup> Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark.

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

Personal data will only be kept for the time necessary to achieve the purpose(s) for which it is processed. In cases relating to a European Union trade mark or registered Community design file, the data will be kept for a period corresponding to the lifetime of the file to which it relates, due to the technical specifications of the tool.

Personal data saved in the internal document management database will be stored for a maximum of 2 years.

Personal data is stored in Microsoft Teams for a maximum of 1 year after the exchange activity is completed.

In the event of a formal appeal, all data held at the time of the appeal will 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: [DPOexternalusers@euipo.europa.eu](mailto:DPOexternalusers@euipo.europa.eu).

You may also consult the EUIPO data protection officer (DPO) at: [DataProtectionOfficer@euipo.europa.eu](mailto:DataProtectionOfficer@euipo.europa.eu).

### **Forms 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: [edps@edps.europa.eu](mailto:edps@edps.europa.eu).