

Privacy statement on processing personal data related to faxes

Protecting 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 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 given pursuant to Articles 15 and 16 of Regulation (EU) 2018/1725.

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

As established in [Decision No EX-17-4 concerning communication by electronic means](#), the Office has accepted the use of faxes as a means of electronic communication with the Office. In order to ensure the availability and resiliency of the fax service, the Office has implemented a cloud-based fax system called Opentext. When handling incoming or outgoing faxes for the Office, Opentext requires access to personal data needed to establish the communication channel with the Office.

2. What personal data do we process?

Opentext processes the minimum of data needed to provide the fax service:

- telephone number that sent the fax;
- telephone number that is to receive the fax;
- metadata associated with the phone number (fax name and timestamp of the call).

3. Who is responsible for processing the data?

Personal data processing is the responsibility of the director of the Digital Transformation Department (DTD), acting as the delegated EUIPO data controller, with the support of the Customer Department for the purpose of automatic translations.

Personal data is processed by Opentext, a fax management service provider supporting DTD.

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

The information needed to establish the fax communication can only be accessed by IT admins and Network Operations staff with access to OpenText's production platform. Client data is encrypted and cannot be read.

While the fax document is in transit, it is temporarily stored in an encrypted form and is not accessible to anyone.

Personal data is not used for any other purposes or disclosed to any other recipient(s).

5. How do we protect and safeguard your information?

OpenText implement the following security measures:

- Multiple automated backup systems to perform regularly-scheduled backups of production systems and data. The rotation scheme comprises daily incremental and weekly full backups.
- OpenText personnel perform quarterly backup restoration tests.
- OpenText has implemented the following mechanisms to prevent unauthorised access:
 - username and password, in a network domain;
 - secure password composition rules;
 - role-based access restrictions.
- Opentext uses systems and network hardware with built-in redundancy, to minimise the possibility of incidents related to unavailability: server clustering, load balancing and multiple telecom carriers and internet service providers.
- Opentext has implemented real-time monitoring, focused on availability, processing performance, capacity management and incident response. Access to this information is managed through an access request and access revocation process, to ensure that it can only be accessed by those who require it.
- Opentext encrypts information while at rest and in transit.
- Opentext is SOC 2-certified.

6. How can 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 or object to the same, as provided in 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 stating your request to the delegated data controller, the DTD director.

The right to rectification only applies to inaccurate or incomplete factual data. The Office will respect the conditions of the initial publication with regard to personal data.

Your request will be answered 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, this period may be extended by up to 2 months where necessary, taking into account the complexity and number of requests. The Office 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 '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:

- Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark.
- Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs.
- Decision No EX-17-4 of the Executive Director of the Office of 16 August 2017 concerning communication by electronic means, as amended by Decision No EX-18-1.

8. How long can data be kept?

Personal data as indicated above (phone numbers, fax name and timestamp of the call) is stored for as long as the fax service is provided to the Office, for billing purposes. No other data is stored.

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 at the following email address:
DPOexternalusers@euipo.europa.eu

You may consult the EUIPO Data Protection Officer at:
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.