

Privacy statement on processing personal data in RCD Download

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?

RCD Download is a service provided by the Office by which the particulars of registered Community design (RCD) applications or registrations submitted to it can be downloaded in bulk by authorised users.

The RCD Download system is used to extract information about the RCDs and allow subscribers to download RCDs in XML format (conforming to the TM-XML standard). This includes information related to owners, representatives, designers, appeals, and related recordals.

2. What personal data do we process?

The categories/types of personal data processed are as follows:

- ID number;
- first name / middle name/ last name;
- organisation;
- type;
- address country code;
- address state / country;
- address town;
- address post code;
- address;
- correspondence address.

Please note that not all categories are available for all types of information downloaded.

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.

For the purposes of managing the information in RCD Download, personal data is processed by DTD staff in charge of IT Operations, supported by the external service provider IECISA-ALTIA.

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

For the purposes of managing information in RCD Download, personal data is only disclosed to DTD staff in charge of IT Operations, supported by the external service provider IECISA-ALTIA for technical reasons related to the maintenance, updating and improvement of the tool. This information will be shared only with those required to implement such measures on a need-to-know basis. This data is not used for any other purposes or disclosed to any other recipient(s).

RCD Download allows the bulk download of information which is considered to be of public interest, which the Office has a legal obligation to make it accessible to any third party (Register data). By default, the information that can be downloaded is from RCD data files that do not contain any personal data of owners or representatives. However, after registration and proper validation of the requester, a more complete RCD dataset can be accessed, which does contain said personal data.

The Office will not make available to the public any personal data other than that available in the Register.

5. How do we protect and safeguard your information?

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

All personal data available via RCD Download is stored in secure IT applications according to the Office's security standards. Appropriate levels of access are granted individually only to the abovementioned recipients.

Regardless of stage, everybody dealing with personal data in the context of RCD Download must sign a confidentiality declaration.

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 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 processed in the context of RCD Download.

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 instrument(s):

- Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (CDR).
- Article 71 of Commission Regulation (EC) No 2245/2002 of 21 October 2002 implementing Council Regulation (EC) No 6/2002 on Community designs amended by Commission Regulation (EC) No 876/2007 on 24 July 2007.
- Article 1, Article 5 and Article 6 of Decision No EX-14-3 of the President of the Office of 22 October 2014 concerning available particulars of CTM and RCD applications and registrations.

8. How long can data be kept?

The Office will keep personal data which is mandatory to enter in the Register for an indefinite period of time.

Other personal data stored in the database will also be kept indefinitely, but its removal from the database can be requested 18 months from the expiry of the related Community Design or the closure of the relevant inter partes procedure. This does not apply to personal data stored in the Register.

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.