

## **Privacy Statement on the processing of personal data in relation to the SME Fund**

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

Data is collected and managed by the Office to evaluate the eligibility of applicants to participate in the SME fund grant procedure and evaluate the content of submitted proposals with a view to awarding the grant.

Certain data is necessary for the execution of the grants awarded and for the purposes of obtaining feedback on the service, including satisfaction levels.

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

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

Personal data processed can concern the applicant, their partners and affiliated entities, subcontractors and their staff (both natural and legal persons). The categories/types of personal data processed are as follows:

- identification data:
  - name (first name, surname, previous surname);
  - company name;
  - signature of person or authorised representative;
  - title, position, functions and department;
  - contact details (website and email address, fax, business and/or mobile telephone number, official postal address, country of residence).
- bank account reference (IBAN and BIC codes), copy of a bank statement, VAT number, VAT certificate, national insurance number;
- statement of eligibility and fulfilment of selection requirements;
- description of services for which grant is sought (whether IPPDA, or IP rights or both).

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

Personal data processing is carried out under the responsibility of the EUIPO.

Personal data collected will be treated confidentially and processed solely by authorised staff members dealing with procurement and grant procedures, including staff dealing with financial matters and members of the opening and evaluation committees, exclusively for management and administration purposes. The processing of personal data is the responsibility of the Customer Department together with the Financial Department acting as joint controllers. If applicable, external experts and contractors assisting the Office with evaluations may be granted access to personal data on a need-to-know basis after signing a declaration of confidentiality and of absence of conflict of interests.

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

Personal data is stored in secure IT applications according to the Office's security standards.

Some personal data is also disclosed to the public to meet the obligation to publish information on the outcome of grant procedures. The information disclosed is as follows:

- a) the name of the beneficiary;
- b) the locality of the beneficiary, namely:
  - i. the address of the recipient when the beneficiary is a legal person.
- c) the amount legally committed;
- d) the nature and purpose of the grant.

To improve our services and assess the success of the SME Fund, participants in the grant procedure are invited to answer a survey. Only their email address and survey answers are collected. Anonymised results of the feedback survey may be published on the EUIPO website. The Office's LimeSurvey tool is used for this survey. For further information, please consult the specific [privacy statement](#).

Furthermore, upon request, data may be transferred to the legal advisors of the Office, the European Court of Auditors, the European Anti-Fraud Office (OLAF), the Internal Audit Service of the Office and the Court of Justice. Some personal data may be transferred to the national IP offices for the purposes of verifying whether the conditions for grant have been fulfilled. The data transferred is limited to that strictly necessary for managing the grant procedure, or for official investigations or audits.

### **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 Office from several sources.

The Office also uses other systems/databases in which data is stored in a secure environment according to the 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.

Everyone who deals with personal data in the context of the management of user interactions, at any stage, signs a confidentiality declaration that is kept in the folder of the procedure.

**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 restrict its processing or object to the same, as provided in Articles 17 to 24 of Regulation (EU) 2018/1725.

If you wish to verify what personal data is stored on your behalf by the controller, and/or have it modified, corrected or deleted, please send an explicit written request to the delegated data controller, the Customer Department director. Any request for correction of your personal data will be evaluated considering data protection requirements.

However, the right of access and rectification are subject to restrictions before the limit for receipt of requests to participate where contact between the Office and the applicant is forbidden (without prejudice to the exceptions of making clarifications or correcting administrative errors). The right to rectification is restricted after the time limit for receipt of requests to participate has expired, as per Article 169 of Regulation (EU, Euratom) 2018/1046.

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', Article 5(1)(b) of Regulation (EU) 2018/1725, which states 'processing is necessary for compliance with a legal obligation to which the controller is subject', and Article 5(1)(c) of Regulation (EU) 2018/1725, which states '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(s):

- Regulation No BC-1-19 of the Budget Committee of the European Union Intellectual Property Office of 10 July 2019 laying down the financial provisions applicable to the Office (‘Financial Regulation’);
- Regulation (EU, Euratom) 2018/1046;
- The grant decision.

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

The successful grant files are subject to an administrative retention period of up to 7 years following the signing of the grant decision, in line with the Office’s retention policy and schedule for financial files. For unsuccessful proposals the retention period lasts up to 5 years.

Personal data referring to legal persons for whom the official title identifies one or more natural persons published on the Office website for both procedures shall be removed 2 years after the end of the financial year in which the funds were awarded.

## **9. Contact information**

Should you have any queries on the processing of your personal data, please address them to the data controller, the CD 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).