

## **Privacy Statement concerning communication activities, including sending of the newsletter**

### **1. Context and Controller**

The personal information we collect from you ("the Data Subject") will be processed in line with Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals 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 (hereinafter - Regulation (EU) No 2018/1725) .

Your privacy is important to the Community Plant Variety Office ("CPVO" or "us" or "the controller") and we feel responsible for the personal data that we process on your behalf. Therefore, we are committed to respecting and protecting your personal data and ensuring the efficient exercising of your data subject's rights.

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

CPVO newsletter is sent to subscribers by email on a monthly basis, or whenever necessary from the newsletter editor point of view. It is also made available and can be consulted or/and downloaded on the CPVO website [www.cpvo.europa.eu](http://www.cpvo.europa.eu).

In order to receive the newsletter by email, a person must subscribe via CPVO website or by clicking in a subscription link made available on social media or other electronic communication. A person willing to register will have to provide her/his email address in the dedicated subscription field. The registration will be effective after the person receives and accepts a confirmation email sent by SendInBlue.

The mandatory personal data (email address) is needed to ensure the delivery of the service to the subscriber, as the newsletter is sent by email.

Further to the newsletter, the CPVO at times, will need to send via email other important information to its stakeholders and registered users of the CPVO, in the framework of the strategy of communication of the activities of the CPVO to stakeholders and EU citizens.

### **3. What are the legal basis and the ground for lawfulness of processing?**

The legal basis for the processing of data are:

Art. 5.1 (a) of the Regulation (EU) 2018/1725 for the sending of important information to stakeholders or registered users at the CPVO (processing is necessary for the performance of a task carried out in the public interest).

Art. 5.1 (d) of the Regulation (EU) 2018/1725 for the sending of the newsletter (the data subject has given consent to the processing of his or her personal data for one or more specific purposes).

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

The processing of personal data is carried out under the responsibility of the Head of Legal Unit.

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

The Communication and IT sectors will have access to the email address of subscribers, including the register of current subscribers (stored in Drupal server) as well as to the new lists of subscribers that will be extracted monthly from SendInBlue, to manage the sending of the newsletter to those subscribers that have consented to it.

The communication sector will have access to the email address of relevant stakeholders and registered parties to proceedings at the CPVO to send important information (such as information on the new Fee Regulation or on the COVID pandemic and the postponement of time limits).

SendInBlue (and its sub-processors, including Google Cloud and AWS for hosting servers as well as the other sub-processors, SendinBlue INC (US), Zendesk (US), Silverline (India) and SendInBlue Canada Inc (Canada), will only have access to the email address of subscribers to the newsletter, as well as to the email address of relevant stakeholders and registered users identified by the CPVO as necessary recipients of important notifications. As regards the access by sub-processors located in the US, Canada and India, further to the fact that there is an adequacy decision from the EC concerning private companies in Canada, SendInBlue has also signed DPA and SCC as appropriate safeguards with those subsidiaries.

## **6. How do we safeguard your personal data?**

The controller implements appropriate technical and organisational measures in order to safeguard and protect your personal data from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to it.

Personal data is stored in secure IT system according to the security standards of the CPVO. System and server are password protected and require an authorised username and password to access. The information is stored securely so as to safeguard the confidentiality and privacy of the data therein.

All persons dealing with personal data in the context of the IT systems, at any stage, shall sign a confidentiality declaration and/or non-disclosure agreement.

SendInBlue takes all the necessary precautionary measures to preserve the security of the personal data. The measures are, inter alia, the following: Multi-level firewall, proven solutions for anti-virus protection and detection of intrusion attempts, encrypted data transmission using SSL/https/VPN technology, Tier 3 and PCI DSS certified data centres. All data is copied at least three times in at least two different geographical locations. In the event of a catastrophic scenario, SendinBlue also regularly backs-up the data. This is encrypted before being stored in the cloud (AWS or Google Cloud). Data is backed up at least once a week and in some cases (depending on how you use your data) more often.

Furthermore, access to processing of personal data on behalf of Sendinblue by the receiving third-party services requires authentication of the person accessing the data, by means of an individual access code and password, regularly renewed and sufficiently robust.

## **7. How long do we keep your data?**

### Newsletter:

Email addresses are kept until the data subject decides to unsubscribe. If data subject unsubscribes, the personal data is permanently deleted from the mailing list and CPVO's register of current subscribers.

Personal data processed by SendInBlue on behalf of the CPVO are kept until the data subject decides to unsubscribe. In that case the communication or IT sector will delete the data from SendInBlue with immediate effect.

### Other important information:



As regards, data on relevant stakeholders and registered parties to proceedings, in accordance with Article 2 of the "Decision of the President of the Office on the form of Registers kept by the Office, retention and the keeping of files including documentary evidence, publication of the Official Gazette", in case a title is granted, data will be kept for a period of 30 years from the expiry of the granted Community plant variety right. Otherwise, it will be kept for a period of 10 years following the date of rejecting the application or the date of the withdrawal of the application or the date on which the Office informs the applicant that the Office considers the application abandoned.

SendInBlue will process personal data on behalf of the CPVO as long as the contract with SendInBlue is in force, taking also into account the applicable retention periods mentioned in the paragraph above. At any time, the CPVO (either the communication or IT sector) can delete the data from SendInBlue with immediate effect.

## **8. How can you obtain access to information concerning you and, if necessary, rectify it? How can you request the erasure of your personal data or restriction of processing or object processing? How can you request to exercise your right to data portability? How can you withdraw consent, where processing of your personal data is based on consent?**

If you would like to request to obtain access to information concerning you and, if you think that it is necessary, to correct it, to request the erasure or restriction of processing of your personal data and/or object to processing of it; if you would like to request to receive the personal data concerning you in a structured, commonly used and machine-readable format and to transmit those data to another controller, you may contact us. In exercising your right to data portability, you also have the right to have your personal data transmitted to another controller, where technically feasible.

**Right to object:** We are using your personal data because we believe that it is necessary for the performance of a task carried out in the public interest on the basis or in the exercise of official authority vested in the CPVO. In case you disagree with the processing of your personal data, based on the aforementioned lawful ground, you have the right to object, at any time.

**Right to withdraw consent:** You have the right to withdraw your consent at any time by unsubscribing from receiving the newsletter.

**Right to access:** You have the right to access and confirm what personal data we hold about you, at any time.

**Right to rectification:** You also have the right to correct inaccurate personal data.

**Right to erasure:** You have the right to "erase" your personal data.

**Right to data portability:** You have the right to receive your personal data, which we have collected from you based on your consent, from us and to transfer or have it transferred (where it is technically feasible) to another controller.

**Right to restrict the processing:** When certain conditions apply, you have the right to request that we restrict the processing activities relating to your personal data.

If you would like to exercise any of these rights, please send us your request. We will provide information on action taken on your request without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. We shall inform you of any such extension within one month of receipt of the request, together with the reasons for the delay.

In case you wish to request access to your personal data, to verify which personal data we store on your behalf, have it modified, erased, restrict the processing, exercise your right to data portability, object or withdraw consent, please make use of the contact information mentioned, by explicitly and accurately describing your request.

In principle, we cannot accept verbal requests (telephone or face-to-face) as we may not be able to deal with your request immediately without first analysing it and reliably identifying you. Requests can be sent to the controller: Head of the Legal Unit by e-mail at [dpc@cpvo.europa.eu](mailto:dpc@cpvo.europa.eu).



**9. Who should you contact if you have a question about the protection of personal data or in case you would like to lodge a complaint?**

Should you have any queries in relation to the processing of your personal data, please address these to the data Controller, at the following email address: [dpc@cpvo.europa.eu](mailto:dpc@cpvo.europa.eu).

You may also consult the CPVO's Data Protection Officer: [dpo@cpvo.europa.eu](mailto:dpo@cpvo.europa.eu).

Complaints, in cases where the conflict is not resolved by the Data Controller and/or the Data Protection Officer, can be addressed at any time to the European Data Protection Supervisor: [edps@edps.europa.eu](mailto:edps@edps.europa.eu)

