



EUROPEAN COMMISSION

Directorate-General for Trade

Directorate A - Resources, Information and Policy Coordination
Information, Communication and Civil Society

Brussels,
TRADE A3/

NOTE FOR THE ATTENTION OF ALL HEADS OF UNIT IN DG TRADE

Subject: Personal Data Protection – Service provided by Unit A3 to all DG TRADE units: Global ‘notification’ to the Data Protection Officer (DPO) of the Commission, covering all future DG TRADE meetings, workshops, seminars, events, conferences... including lists and mailing lists.

This note is a reminder of the current practice in DG Trade regarding data protection requirements related to meetings. While Unit A1 is ensuring the overall coordination of all data protection issues (DG TRADE's Data Protection Coordinator is [redacted] in Unit A1), Unit A3 is involved in data protection requirements related to meetings, workshops, seminar etc.

In the framework of the implementation of Regulation N° 45/2001 on data protection, a simplified procedure has been made available in the DG regarding data protection when organising/managing a meeting, workshop, seminar, event, conference, etc... with outside participants. A dedicated notification is required by the Regulation for each manual or electronic processing operation carried out on personal data.

Consequently, each time meetings, workshops, seminars, events, conferences, etc... (which usually implies processing operations of personal data) are organised/managed, they should be, in principle, notified to the DPO.

To reduce this administrative burden, I have agreed to be mentioned as the responsible Data Controller¹ in a "model notification" which covers all these processing operations related to a "meeting", while each Head of Unit in charge of the organisation/management of the concerned

¹ The **Data Controller** means the official of Community institution or body, the Directorate-General, the unit or any other organisational entity which alone or jointly with others determines the purposes and means of the processing of personal data. A Controller can be a Director General, a Director, a Head of Unit or an Assistant. The Data Controller has to:

- a) define the data processing that he/she plans to do;
- b) determine the purposes and the means while respecting the basic principles;
- c) implement the data processing while respecting the various obligations;
- d) allow the Data Subjects to exercise their rights. In this way, he/she contributes to ensure a high level of personal data protection to the Data Subjects within his/her Institution.

The Data Controller has to inform the Data Protection Officer of any processing operation on personal data. Finally, the Data Controller remains responsible even if the personal data are processed by a Processor.

"meeting" will be considered as the Processor² and should process personal data only in accordance with the requirements below.

In summary, this simplified procedure concerns:

- "Meetings" organised by DG staff
- "Meetings" organised by the DG with the support of DG SCIC
- "Meetings" organised with the support of an external company (organisation of meetings on behalf of the DG in the framework of a service contract which should include the required data protection clause)
- "Meetings" of DG Experts Groups (formal or informal Groups which are part of the SecGen Registry publicly available on Europa)
- Management of lists and mailing lists for meetings, news and publications.

Are not covered by this simplified procedure:

- Processing of personal data performed by the Committees (Comitology). This kind of processing operations fall under the scope a corporate notification, under the responsibility of Unit SG.B2.
- Publication of individual/collective and internal events images on DG intranet. This activity, notified to the DPO by TRADE notification DPO-3467, is the object of a dedicated note.

In order for you to benefit and be covered by this model notification, you should make sure that when organising/managing your future 'meetings' you:

- respect the purpose and means mentioned in the model notification in annex 1: "Processing of personal data in the context of DG meetings, workshops, seminars, conferences, events, including mailing-lists and contact lists;
- comply with the principles of the Regulation 45/2001 (legality, fairness of the processing, data quality, purpose limitation, proportionality, rights of the data subject, etc);
- submit to Data Subjects³ a Privacy Statement⁴ when you collect their personal data. Such 'model' privacy statements (annexes 2, 3, 4, 5) are available on the intranet and must be adapted for each "meeting". Do not forget to mention the company that will process the personal data under our responsibility, if any (point 3 of the privacy statement). In addition, if it is envisaged that images of participants will be recorded or published, the possibility to opt-out needs to be offered. In these cases, and according to available resources, the organizer should offer those participants an alternative room where to follow meeting and debates by means of live webstreaming displayed on a screen. Clear indication

² The **Processor** is the natural or legal person, public authority, agency or any other body, who processes personal data on instruction, and only on instruction, of the Controller. The Processor has to provide sufficient guarantees in respect of the technical and organisational security measures required and ensuring compliance with those measures. Controller and Processor need to be bound by a contract or legal act for the carrying out of the processing operations of personal data.

³ The **Data Subject** is the person whose personal data are collected, held or processed by the Data Controller.

⁴ A **specific privacy statement** is a statement to the Data Subjects stating that the collected personal data will be processed according to the Regulation 45/2001. This statement must include information mentioned in article 11 of the Regulation on data protection.

in the meeting room and information to hostesses should be provided for to correctly guide those participants. Where needed, the organizing Unit should communicate the list of the "anonymous" participants to the SCIC services or the external company.

In case of unavailable resources, those participants can eventually locally follow live meeting and debates at the webstreaming Internet address indicated by the organizer on the subscription form or the invitation.

Any other processing operation on personal data you would carry out in the context of the organisation/management of a "meeting", which would fall outside the scope of the purpose and means mentioned, would not be covered by this model notification, and must be part of a specific prior notification to the DPO made by yourself as Data Controller.

As you will understand, this service provided to you (i.e. a model notification relieving your unit from the obligation to make an individual notification for each "meeting", and the Data Controller' responsibility⁵ taken over by me), will only be effective and lawful if you comply with your obligations of this arrangement.

The Controller bears therefore no responsibility for the actual processing of personal data by the various units if they have failed to respect these instructions.

It is also recommended to periodically check your files and delete or destroy old records and data if those are not needed any longer.

Using Model notifications not only reduces the administrative burden for all heads of units, but it ensures the data protection compliance of the entire DG, a common and coherent privacy statement to all Data Subjects concerned by the Commission processing operations.

In that context, I would be grateful if you could let me know if in the last 12 months you have been approached by anyone regarding the deletion or changing of data, or if you have received any request for anonymity in recorded meetings etc.

Should you have questions or comments, feel free to contact me or DG TRADE's Data Protection Coordinator in unit A.1 ([REDACTED]). More information on data protection including the templates can be found here <http://www.trade.cec.eu.int/intra/how/data/index.cfm>.



⁵ Article 49 of the Regulation – **Sanctions**: “Any failure to comply with the obligations pursuant to this Regulation, whether intentionally or through negligence on his or her part, shall make an official or other servant of the European Communities liable to disciplinary action, in accordance with the rules and procedures laid down in the Staff Regulations of Officials of the European Communities or in the conditions of employment applicable to other servants”.

Annexes:

1. Notification DPO-3050.5 – TRADE: DG Trade – Meetings, workshops, seminars, conferences, events, including mailing-lists and contact lists
2. Model Privacy Statement (Meeting) for on-line registration
3. Model Privacy Statement (Invitation) to be used for invitations by letter or e-mail
4. Model Privacy Statement (Mailing List) to be used for mailing lists
5. Model Privacy Statement (Contact List) to be used for contact lists

Cc : TRADE Directors, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED],
[REDACTED]