



EUROPEAN COMMISSION

PROTECTION OF YOUR PERSONAL DATA

Processing operation: Study supporting the Review of Copyright in the DSM Directive (Interviews and survey)

Controller: European Commission Directorate-General for Communications Networks, Content and Technology (DG CONNECT), Unit I.2

Processors:

- Verian Group Belgium SA, Avenue des Arts 58, 1000 Brussels, Belgium;
- Centre for Strategy & Evaluation Services (Europe) Limited, 104 Lower Baggot St, Dublin, Ireland;
- Spark Legal and Policy Consulting BV, Rue des Comédiens 22, Brussels, Belgium

(hereinafter respectively “Verian”, “CSES”, “Spark” or “the Processors”).

Sub-processor:

- Forsta (Europe) Ltd., 110 Southwark St., London SE1 0SU, United Kingdom
- Microsoft Teams – Microsoft Ireland Operations, Ltd., One Microsoft Place, South County Business Park, Leopardstown, Dublin 18, D18 P521, Ireland

Record reference: DPR-EC-01011

Table of Contents

1. Introduction
2. Why and how do we process your personal data?
3. On what legal ground(s) do we process your personal data?
4. Which personal data do we collect and further process?
5. How long do we keep your personal data?
6. How do we protect and safeguard your personal data?
7. Who has access to your personal data and to whom is it disclosed?

8. What are your rights and how can you exercise them?
9. Contact information
10. Where to find more detailed information?

1. Introduction

The European Commission (hereafter 'the Commission') is committed to protecting your personal data and to respecting your privacy. The Commission collects and further processes personal data pursuant 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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

The information in relation to the processing of personal data linked to the study supporting the Review of Copyright in the DSM Directive is presented below.

2. Why and how do we process your personal data?

CNECT I.2, through the Processors, collects and uses your personal data within the framework of the study supporting the Review of Copyright in the DSM Directive (hereinafter the "Study") to obtain your views on a specific initiative, policy or intervention.

You are being contacted by the Processors since CNECT I.2 has concluded that your views are relevant and necessary to gather evidence regarding the Study. The consultation takes the form of interviews and written surveys.

Please note that you may decline to answer any questions or withdraw from participation in an interview or from the survey at any time.

The Processors collected your contact details either:

- from the Internet where they have been manifestly made public by you or the organisation you work for (e.g. by your company, social partner organisation, public body, research or academic institution), in which case they have been collected for the sole purpose of this Study, or
- from a survey where you have provided your contact details and agreed to be contacted by CNECT I.2 for this specific purpose.

To avoid misuse, anonymous contributions to the Commission may not be accepted, whether you consent to the publication of your identity together with your contribution or not.

In the context of the Study, you may be recorded (audio / video) for the purpose of the interview (using the video-conferencing tools Microsoft Teams). This is necessary to improve the various exchange transcripts, ensuring that all the relevant information discussed during the interview is captured.

The subject matter of the Study requires you to provide personal data in your response that may identify or make you identifiable. These personal data will only be published subject to your explicit consent.

The consultation activity (user survey) uses Verian's online questionnaire tool Forsta+. Your contribution to the survey is stored by the Processors in the EU.

Your contribution to the Study is stored in the Commission's document management system (for further information on the Commission's document management system please refer to the processing operation 'Management and (short and medium-term) preservation of Commission documents', reference number: DPR-EC-00536).

The personal data processed may be reused for the purpose of procedures before the EU Courts, national courts, the European Ombudsman or the European Court of Auditor.

Your personal data will not be used for automated decision-making, including profiling.

3. On what legal ground(s) do we process your personal data

We process your personal data because **processing is necessary for the performance of a task carried out in the public interest (Article 5(1)(a)** of Regulation (EU) 2018/1725). The Union law which is the basis for this processing activity is the Treaty of the European Union, and more specifically its Articles 1 and 11, Article 298 of the Treaty on the Functioning of the European Union, read in conjunction with Recital 22 of Regulation (EU) 2018/1725), as well as the Protocol 2 on the application of the principles of subsidiarity and proportionality.

We also process your personal data based on your **consent (Article 5(1)(d)** of Regulation (EU) 2018/1725) for the following purpose: processing of special categories of personal data, whether they are necessary for the targeted consultation or provided spontaneously by the respondent.

4. Which personal data do we collect and further process?

In order to carry out this processing operation, CNECT I.2 processes the following types of personal data:

- Name and surname,
- Contact details (exclusively for invitations to the survey and organising the interviews)
- Profession and where applicable employer,
- Country of residence and professional activity,
- Personal data included in the response or contribution to the Study,
- Membership of a Collective Management Organisation (CMOs),
- The following special categories of personal data:
 - Covered by or party to a Collective Bargaining Agreement (CBAs),
 - Being assisted by a representative organisation of authors or performers,
- For the conduct of interviews, the following types of personal data are processed through the use of Microsoft Teams: Participant identifiers, Conference Content (available to participants only at Conference duration), Participants' names list (available to participants only at Conference duration), Session identifier (determined by the system,

only on anonymised reports), Date of session (determined by user decision, only on anonymised reports),

- Through the use of the survey platform Forsta+, the following metadata may be collected for each respondent: Responseid (Number assigned to each response by the platform), Respid (the first respondent who opens the link will be registered by the platform as 1, while the second would be registered as 2), Survey_start (start time), Survey_end (end time), Status (Whether the survey is complete/incomplete, or whether the respondent has been screened out), SurveyLengthInMinutes (total time in minutes), LastQ (last question answered by the respondent).

Furthermore, you may spontaneously provide other, non-requested personal data in the context of your reply to the Study.

Please note that, except for the special categories of personal data mentioned above, CNECT I.2 does not request nor expect that data subjects provide any special categories of data under Article 10(1) of Regulation 2018/1725: (that is “personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”) related to themselves or to third persons in their contributions to the targeted consultation activity.

5. How long do we keep your personal data?

CNECT I.2 only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for a maximum of five years after the closure of the file to which the present targeted consultation belongs. A file is closed at the latest once there has been a final outcome in relation to the initiative to which the targeted consultation contributed.

This administrative retention period of five years is based on the retention policy of European Commission documents and files (and the personal data contained in them), governed by the common Commission-level retention list for European Commission files SEC(2025)600 category 2.7.3.B. It is a regulatory document in the form of a retention schedule that establishes the retention periods for different types of European Commission files. That list has been notified to the European Data Protection Supervisor.

The administrative retention period is the period during which the Commission departments are required to keep a file depending on its usefulness for administrative purposes and the relevant statutory and legal obligations. This period begins to run from the time when the file is closed.

In accordance with the common Commission-level retention list, after the ‘administrative retention period’, files including (the outcome of) targeted consultations (and the personal data contained in them) can be transferred to the Historical Archives of the European Commission for historical purposes (for the processing operations concerning the Historical Archives, please see record of processing).

In case the interview is recorded, any video/audio recordings of the interviews will be retained for no longer than 1 month.

6. How do we protect and safeguard your personal data?

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored on the servers of the Commission and the Processors. All processing operations are carried out pursuant to [Commission Decision \(EU, Euratom\) 2017/46](#), of 10 January 2017, on the security of communication and information systems in the Commission.

In order to protect your personal data, the Commission has put in place a number of technical and organisational measures. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

The Processors are bound by a specific contractual clause for any processing operations of your personal data on behalf of the Commission. The processors have to put in place appropriate technical and organisational measures to ensure the level of security, required by the Commission.

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

Access to your personal data is provided to the Commission staff responsible for carrying out the Study and to authorised staff according to the “need to know” principle, in particular to follow-up on the targeted consultation. Such staff abide by statutory, and when required, additional confidentiality agreements.

Access to your personal data is provided, according to the “need to know” principle, to authorised staff of the Processors (Verian, CSES and Spark), who are bound by confidentiality agreements.

Survey data collected through the online Forsta platform is stored on servers located in Germany. The platform is provided by Forsta (Europe) Ltd, a company based in the United Kingdom. Verian operates the survey tool on a self-service basis and, in the normal course of operations, personal data remains on servers within Germany. Access by Forsta personnel for the purposes of ensuring uptime and security, conducting support, maintenance and error correction, and performing backups, is limited to authorised staff on a need-to-know basis, and is governed by role-based access controls and least-privilege principles.

As the United Kingdom is a third country within the meaning of Regulation (EU) 2018/1725, such access constitutes an international transfer. This international transfer takes place on the basis of Article 47 of Regulation (EU) 2018/1725, and more particularly on the basis of Commission Implementing Decision, of 28.6.2021, pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council on the adequate protection of personal data by the United Kingdom.

Please note that pursuant to Article 3(13) of Regulation (EU) 2018/1725 public authorities (e.g. Court of Auditors, EU Court of Justice) which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

8. What are your rights and how can you exercise them?

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access your personal data and to rectify them in case your personal data is inaccurate or incomplete. Under certain conditions, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing and the right to data portability.

You have the **right to object to the processing of your personal data**, which is lawfully carried out pursuant to Article 5(1)(a) of Regulation (EU) 2018/1725, on grounds relating to your particular situation.

Insofar you have consented to the certain processing of your personal data to CNECT I.2 for the study, you have the **right to withdraw your consent at any time** by notifying CNECT I.2. The withdrawal will not affect the lawfulness of the processing carried out before you have withdrawn the consent.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

In accordance with Article 14(3) of Regulation (EU) 2018/1725, your request as a data subject will be handled 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. In such case you will be informed of the extension of the time limit, together with the reasons for the delay.

9. Contact information

- The Data Controller

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller, CNECT I.2, via CNECT-I2@ec.europa.eu .

- The Data Protection Officer (DPO) of the Commission

You may contact the Data Protection Officer (DATA-PROTECTION-OFFICER@ec.europa.eu)_with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

- The European Data Protection Supervisor (EDPS)

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

- **The Processors**

You can also contact our European Data Protection Team at compliance@veriangroup.com. The processor will then liaise with CNECT I.2.

10. Where to find more detailed information?

The Commission Data Protection Officer (DPO) publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You may access the register via the following link: <http://ec.europa.eu/dpo-register>.

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR-EC-01011.