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|  | EUROPEAN COMMISSION  |

# Model Privacy Statement for Targeted consultation activities (including surveys, interviews and focus groups) by Contractors acting on behalf of the European Commission

***NB: TEXT IN RED SHALL BE DELETED***

*THE TEXT IN RED PROVIDES YOU WITH GUIDANCE ON HOW TO FILL IN THIS TEMPLATE. IT SERVES TO REMIND YOU OF THE LEGAL OBLIGATIONS RELATED TO YOUR ROLE AS DATA PROCESSOR, AS WELL AS TO HELP YOU ADAPT THE STANDARD TEXT SO THAT THE INFORMATION CONTAINED IN THE PRIVACY STATEMENT IS EXTENSIVE AND CORRESPONDS TO THE PARTICULARITIES OF THE RELEVANT PROCESSING OPERATION. AFTER YOU HAVE COMPLETED THE DRAFTING OF THE PRIVACY STATEMENT, YOU SHOULD ERASE THE GUIDANCE TEXT AND MAKE SURE THAT IT DOES NOT APPEAR IN THE FINAL VERSION THAT YOU WILL PROVIDE TO THE DATA SUBJECTS.*

*As data processor, you are reminded about your obligations in relation to* [*Regulation (EU) 2018/1725*](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2018.295.01.0039.01.ENG&toc=OJ:L:2018:295:TOC) *(‘the Regulation’). In particular vis-a-vis the data subjects you need to:*

* *take appropriate measures to provide any information and any communication to the data subjects in a clear, easily understandable, transparent and concise form, as well as* ***facilitate for the data subjects to the exercise his or her rights*** *as indicated in article 14 of the Regulation;*
* *to* ***provide the data subjects with all the necessary information*** *as described in Articles 15 and 16 of the Regulation in order to ensure a fair and transparent processing. You must ensure this information is provided to the data subjects at the very beginning of the processing of their personal data.*

*Therefore,* ***make the privacy statement available to the data subjects at the outset*** *when you collect the data directly from them (Article 15). When the data are not collected directly from the data subjects (Article 16), you must ensure that the privacy statement is provided to them within the time period specified in Article 16.3(a)-(c).*

*It is crucial that you make the privacy statement visible and easily accessible to the data subjects. It should be provided in the most appropriate format and place (e.g. published on the relevant website, provided as part of the online form that the data subjects have to fill in, or in the acknowledgment of receipt when a data subject exercises his/her rights via an email, etc.). You should also ensure that the data subjects are adequately directed towards the privacy statements location in order to become aware of it.*

*Note also that the information in the privacy statement must be consistent with the relevant sections of the record of the processing operation* *in the Data Protection Records Management System (DPMS).*

**PROTECTION OF YOUR PERSONAL DATA**

**Processing operation:** *Targeted consultation activities (including surveys, interviews and focus groups) concerning**[mention the specific initiative, policy or intervention concerned by the targeted consultation].*

**Data Controller:** *European Commission, Directorate-General for international partnerships (DG INTPA).*

**Data Processor:** *[name and place of establishment of the contractor].*

**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?**
11. **Introduction**

The European Commission (hereafter ‘the Commission’) is committed to protect your personal data and to respect your privacy. The Commission collects and further processes personal data pursuant to [Regulation (EU) 2018/1725](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2018.295.01.0039.01.ENG&toc=OJ:L:2018:295:TOC) 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 Framework Contractor <name of the contractor> has been tasked in specific contract <specific contract number and title> awarded under the Framework Contract SEA 2023 Lot <name of lot> by the European Commission (DG INTPA) to conduct a targeted consultation. This Framework Contractor is a processor pursuant to Article 3(12) of Regulation 2018/1725*.*

This privacy statement concerns the personal data processing operation in relation to *[mention the specific initiative, policy or intervention concerned by the targeted consultation]*,undertaken on behalf of the European Commission (DG INTPA) by *[name and place of establishment of the contractor]* as presented below.

1. **Why and how do we process your personal data?**

Purpose of the processing operation: *[name of the contractor]* collects and uses your personal information on behalf of the European Commission within the framework of targeted consultation activities to obtain your views on a specific initiative, policy or intervention.

You are being contacted by *[name of the contractor]* since the European Commissionhas concluded that your views are relevant and necessary to inform the *[mention the specific initiative, policy or intervention concerned by the targeted consultation].*

*[Explain how you obtained the contact details of the prospective respondent in the first place, and why the processing of these personal data is lawful – choose among the following options, remove all explanatory headings:*

***OPTION A – The contact details of the prospective respondent are already in the possession of/processed by the controller/processor – explain why their further processing for the targeted consultation activity is lawful:***

* *[If contact details have been already collected by the Commission, mention here “The data controller (European Commission)” or, if contact details have been already collected by you as contractor of the Commission, indicate “The data processor ( [name of the contractor] )”]* collected and processes your contact details since you subscribed and gave your consent to be part of a mailing list to be informed and contacted in case of future consultations by *[name of the contractor].* *[Describe the mailing list, including its purpose and how the data subject can unsubscribe from it].*
* Since *[name of the contractor]* processed your personal data in the context of *[mention the processing operation, its purpose, the data controller (the European Commission) and, if possible, provide a hyperlink to the privacy notice and/or privacy statement],* the *[mention the controller or processor (contractor) as appropriate]* considers that the further processing of your contact details for this targeted consultation activity is a processing for another compatible purpose in accordance with Article 6 of Regulation (EU) 2018/1725. *[NB: make sure you documented your compatibility assessment separately/ You can provide here your main reasons why you consider that the new purpose is compatible, taking into account the criteria of Article 6]*
* Since *[name of the contractor]* processed your personal data in the context of *[mention the processing operation, the name and reference of the specific contract including its name/reference, the data controller (European Commission) and, if possible, provide a hyperlink to the privacy notice and/or privacy statement]* of which the further processing of your contact details for this targeted consultation activities is an integral part *[NB: this would be the case where the targeted consultation activity is embedded in the original processing operation for which the personal data had been collected and processed in the first place].*

***OPTION B – the contact details of the prospective respondent have not been in the possession of the controller/processor and have been solely collected for this targeted consultation activity– explain how they have been collected and why their processing is lawful***

*[mention the controller or processor as appropriate]* collected your contact details from the internet where they have been manifestly made public by you or the organisation you work for. You have been identified by *[mention the controller or processor as appropriate]* as a stakeholder whose views are relevant and necessary to achieve the specific purpose of the targeted consultation activity in the public interest as described below*.* Your participation in the targeted consultation activity is completely voluntary.

More specifically, the processing operation concerns the following processing activities and purposes:

*[Choose as appropriate:*

* to obtain the views of the respondents of a targeted consultation activity for the design, evaluation and revision of policies, initiatives and interventions. To design, evaluate and revise initiatives it is indispensable for the Commission to receive input and views from those who are considered to be concerned by the policy, initiative or intervention.
* to obtain the views of stakeholders to explore a subject for which very limited information is available. This exploratory targeted consultations activity (hereafter, 'targeted consultation') will provide further information to the Commission necessary to take basic conceptual decisions.

For reasons of transparency and openness your views will, in principle, be published on a Europa website, in the form of a summary report. The Commission only publishes your identity if you consent to the publication.

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

***[****If you use images, audio/video recordings; if the subject matter of the targeted consultation requires respondents to provide personal data in their response; the specific privacy statement may contain the following paragraphs, choose as appropriate and remove the rest:*

* In the context of the targeted consultation activity, you will be photographed and/or recorded (audio / video). This is necessary to [*explain why the photographs/recording is necessary to achieve the purpose of the consultation*]. The recording will only published based on your explicit consent.
* The subject matter ofthe consultation activity 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.
* It is your responsibility if you opt for confidentiality of your personal data to avoid any reference in your submission or contribution itself that would reveal your identity.
* [[1]](#footnote-1)The consultation activity uses the Commission's online questionnaire tool EUSurvey that requires you to login via your ‘EU Login’ or ‘social media account’. ‘EU Login’ requires certain personal data such as the name, surname and e-mail address of the registrant. For further information, please refer to the privacy statements of ‘EU Login’ and ‘EU Survey’ as well as the processing operations ‘Identity & Access Management Service (IAMS)' (reference number in the public DPO register: [DPR-EC-03187](https://ec.europa.eu/dpo-register/detail/DPR-EC-03187)) and ‘EUSurvey’ (reference number: [DPR-EC-01488](https://ec.europa.eu/dpo-register/detail/DPR-EC-01488)). Should you choose to log in through your social media account, please refer to the pertinent social media platform’s privacy statement.
* Your contribution to the targeted consultation 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](https://ec.europa.eu/dpo-register/detail/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 an automated decision-making including profiling.

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

We process your personal data, because:

(a) processing is necessary for the performance of a task carried out on behalf of the European Commission in the public interest;

*[additionally, the following two grounds may apply. In case of (b) you need to indicate a specific legal obligation to which the data controller is subject and which requires the proposed processing; in case of (c) select the applicable option(s) listed below. Remove the options that do not apply:*

(b) processing is necessary for compliance with a legal obligation to which the controller is subject;

(c) it is based on your consent, for one or more specified purposes:

* Publication of the identity of the stakeholder or respondent;
* Publication of photos, audio or video recordings;
* If the subject matter of a targeted consultation requires respondents to provide personal data in their response that make the data subject identifiable, their publication;
* if applicable, the processing of special categories of personal data, whether they are necessary for the targeted consultation or provided spontaneously by the respondent;

*[in case the respondent had previously consented to be contacted by the contractor for such type of consultation:*

* to be contacted by *[name of the contractor]* for the present consultation.*]*

The Union law which is the basis for the processing based on Article 5(1)(a) of Regulation (EU) 2018/1725 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.

*[If you chose b) legal obligation as a ground for lawful processing add:*

*The Union law which is the basis for the processing based on Article 5(1)(a) of Regulation (EU) 2018/1725 is [xxx]*

*[add any sectoral Union law that may serve as a basis for the targeted consultation activity]*

1. **Which personal data do we collect and further process***?*

In order to carry out this processing operation on behalf of the European Commission, *[name of the contractor]* collects the following categories of personal data ***[adjust/complement as appropriate]***:

* *name and surname,*
* *profession,*
* *country of residence,*
* *e-mail address of the respondent,*
* *the name of a self-employed individual (natural persons) on whose behalf the respondent is contributing,*
* *personal data related to the physical, economic, cultural, or social identity of the respondent, insofar as they are not falling under Article 10 of the Regulation,*
* *personal data included in the response or contribution to the targeted consultation activity, including (personal) opinions (if the targeted consultation at hand requires so),*
* *photos, audio/video recording.*
* *[if applicable: special categories of personal data falling under Article 10 of the Regulation. Such special categories are related to sensitive personal data, such as: “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”. Article 10 of Regulation 2018/1725 prohibits in principle the processing of such special categories, unless justified by a specific reason.*
* ***N.B.: In case the collection and processing of such personal data would be necessary for your targeted consultations activities, please contact immediately the data protection coordinator of DG INTPA intpa-data-coordinator@ec.europa.eu****.]*
1. **How long do we keep your personal data?**

The Data Controller 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(2019)900](http://ec.europa.eu/transparency/regdoc/index.cfm?fuseaction=list&n=10&adv=0&coteId=2&year=2019&number=900&dateFrom=&dateTo=&serviceId=&documentType=&title=&titleLanguage=&titleSearch=EXACT&sortBy=NUMBER&sortOrder=DESC). 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 'Management and long-term preservation of the European Commission's Archives’, registered under reference number [DPR-EC-00837](https://ec.europa.eu/dpo-register/detail/DPR-EC-00837)).

1. **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 *[name of the contractor]*. All processing operations are carried out pursuant to [Commission Decision (EU, Euratom) 2017/46](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1548093747090&uri=CELEX:32017D0046) of 10 January 2017 on the security of communication and information systems in the Commission.

In order to protect your personal data, *[name of the contractor]* 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.

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

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

Access to your personal data is provided to *[name of the contractor]* staff responsible for carrying out this *processing operation* as well as to authorised staff of the data controller (the European Commission) according to the “need to know” principle, in particular to follow-up on the targeted consultation. European Commission staff abide by statutory, and when required, additional confidentiality agreements.

*[Add if relevant:*

Certain personal data may be made public on the Europa website, namely:

* any personal data on which you consented to their publication;
* personal data spontaneously provided by you in your contribution (without it being required by the *[mention the consultation activity].* ***]***

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.

*[Add for evaluation of interventions:*

Transfers of personal data outside of the EU or the EEA are likely to occur in the context of the evaluations, for the Commission to carry out its tasks and to comply with its obligations under the applicable legislation and to the financing agreements with the partner/beneficiary countries.

Potential transfers of personal data to the partner/beneficiary countries take place on the basis of derogations set out in Regulation (EU) 2018/1725, namely for important reason of public interest (Article 50(1)(d)). Such public interest is outlined in articles 1 and 11 of the Treaty on European Union as well as in Article 298 of the Treaty on the Functioning of the European Union.

In particular, the controller might transfer your personal data (reports containing your contributions) to the authorities of the partner/beneficiary country where the project/programme is implemented. In addition, processing of personal data by the processor may qualify as international transfer when the contractor is a non EU/EEA entity, use a local office located in the country where the project/programme is implemented or a non EU/EEA subcontractor.

Access to your personal data is provided to the staff of the Commission’s contractor responsible for carrying out the evaluation as well as to authorised staff of the European Commission according to the “need to know” principle.***]***

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.

1. **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 are 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), on grounds relating to your particular situation.

Insofar you have consented to the certain processing of your personal data for the present processing operation, you can withdraw your consent at any time by notifying *[name of the contractor]* or the Data Controller. 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 *[name of the contractor]* or the Data Controller, or in case of conflict, the Data Protection Officer of the European Commission. 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.

1. **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 processor (*[name of the contractor]*) or the Data Controller (the European Commission).

*[name of the contractor]* at *[the functional mailbox of the department in charge of targeted consultation activity].*

European Commission, *[Directorate-General / Service], [the unit in charge of the targeted consultation activity]* at *[the functional mailbox of the unit in charge of targeted consultation activity].*

* **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.

1. **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](https://ec.europa.eu/dpo-register/detail/DPR-EC-01011.4).

1. Please include this paragraph only if the targeted consultations activities are administered via EU tools (EU Survey, EU Login). [↑](#footnote-ref-1)