

Notification to the Data Protection Officer under Article 25 of the Rules on Data Protection (Decision 235/16/COL) ('the Rules')

Changes affecting the information contained in the notification must be notified promptly to the Data Protection Officer, see Article 25(3) of the Rules.

Date of submission: 20.12.2017

Part 1: Processing

- Unit responsible for the processing operation

LEA

- Name of processing operation

Litigation

- General description of the processing operation

In conducting litigation, personal data of persons mentioned in the pleadings and annexed documents may be received by ESA from, or submitted by ESA to, the Court. In particular, this covers details of complainants and persons who are the subject of references for preliminary rulings or advisory opinions.

This notification does not cover agent names (of the Authority or of third parties involved in the litigation, judges' names, or the names of persons (notably in registries or assistants) who are involved in the transmission, processing or management of cases before the courts. The processing of such data is considered to be incidental processing.

- Sub-contractors

None

- Automated / Manual operations

Entry of personal data contained in documents transmitted from the Court into the GoPro case file (automatic)

Transmission of documents for litigation containing personal data to the Court (manual)

Storage of personal data in GoPro case (automatic).

- Comments

No prior checking necessary.

- Security measures

Security measures as applicable to the Authority's IT infrastructure (as specified in Doc No 846315) including the GoPro system (Doc No 858099) and email system (Doc No 846314).

Transmission to EFTA Court and Court of Justice is effected through secure portals (eEFTACourt and eCuria respectively)

Part 2: Purpose and legal basis

- The purpose(s) of the processing operation

Data are required in order to give the Court a full picture of the case agents and the facts of the case. This is a necessary part of ESA's court activities under the SCA.

Transfer to EFTA institutions that abide by similar data protection rules or EU institutions or bodies is specifically permitted under Article 7(1) of Decision No 235/16/COL.

- The legal basis of the processing operation

EFTA Surveillance Authority Decision 235/16/COL on Data Protection Rules, Article 5 (a) and 7 (1).

Part 3: Data subjects/fields

- Categories of data subjects

Persons involved in litigation or involved in a case on which there is litigation

- Categories of data / Data fields

Name, work contact details (job title, phone, email) of participants in the case

Incidentally, data relating to people not involved in the case, but contained in documents annexed to the application. Likely to be names, work contact details only.

Part 4: Rights of the data subjects

- Information to be provided to the data subjects

Information will be provided to complainants in the context of the IMA privacy statement on complaints (Doc No 856472) and the CSA privacy statement (Doc No 868961).

- Procedure to grant rights

Authority procedure for data subject requests (DSR) (Doc No 863894).

- Retention policy and time limit

ESA retains data on litigation indefinitely, in order to sustain the Authority's institutional memory, and in case a litigant brings a similar case in the future. Retaining data concerning litigation is also a matter of public interest pertaining to the workings of the Authority. If a party to the case requests rectification, the data will be anonymised, if it is possible to anonymise and still maintain the functions served by retaining litigation cases.

Part 5: Recipients

- Categories of recipients of the data

Registry, staff members who are involved in litigation

- Transfer of the data

Courts (EFTA Court, CJEU, national courts)