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PROTECTION OF YOUR PERSONAL DATA

Processing operation:	<i>Consultation on the Joint Guidelines of the European Commission and the EDPB on the interplay between the Digital Markets Act and the GDPR</i>
Joint Controllers:	<i>1. European Commission, DG CNECT (D.2.) & DG COMP (J.) 2. European Data Protection Board (EDPB)</i>
Records reference:	<i>European Commission - DPR-EC-01011 European Data Protection Board - n° 14</i>

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1. Introduction

The **European Commission** (hereafter ‘the Commission’) and the **European Data Protection Board** (hereafter ‘the EDPB’) (together ‘the joint controllers’/‘the Data Controllers’/‘we’/‘our’/‘us’) are committed to protecting your personal data and respecting your privacy. The joint controllers collect and further process personal data pursuant to [Regulation \(EU\) 2018/1725](#)¹ 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 Controllers with whom you may exercise your rights, the Data Protection Officers and the European Data Protection Supervisor.

This privacy statement concerns the processing of your personal data by the Commission and the EDPB for the purposes of organising a joint consultation in relation to the Joint Guidelines of the Commission and the EDPB on the interplay between the Digital Markets Act² (hereafter ‘DMA’) and the General Data Protection Regulation³ (hereafter ‘GDPR’).

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

Purpose of the processing operation: The Commission and the EDPB process your personal data for the purposes of carrying out a consultation to obtain your views on the Joint Guidelines of the Commission and the EDPB on the interplay between the DMA and the GDPR. The information gathered during this consultation will be analysed by the Commission and the EDPB as part of their review of the Joint Guidelines and may be used as part of revising that document. Further, for the purposes of transparency, responses received will be published on a Commission website, as described below.

The Commission and the EDPB are joint controllers for this processing activity and, as such, they determine jointly how and why your personal data is collected and processed for the purposes of this joint consultation.

As explained above, for reasons of transparency, the contribution you submit in this consultation, including your opinion and views, will be published on [the DMA website](#) of the Commission.

Unless you opt for an anonymous contribution, your first name, surname, country, professional sector and where applicable, transparency register number will be published.

¹ <https://eur-lex.europa.eu/eli/reg/2018/1725/oj/eng>

² Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (Text with EEA relevance) available at <https://eur-lex.europa.eu/eli/reg/2018/1725/oj/eng>

³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) available at <https://eur-lex.europa.eu/eli/reg/2016/679/oj/eng>



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Please note that your email address will never be published, while the name of the entity on behalf of which you submit your contribution is always published.

To avoid misuse, anonymous contributions may not be accepted.

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.

The consultation activity uses the Commission's online questionnaire tool EU Survey that requires you to login via 'EU Login' using your EU Login account or your eID. '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-03187⁴](#)) and 'EU Survey' (reference number: [DPR-EC-01488⁵](#)).

Your contribution to the consultation is stored in the Commission's and the EDPB's document management systems. For further information on the document management system of the Commission please refer to the processing operation 'Management and (short- and medium-term) preservation of Commission documents', reference number: [DPR-EC-00536⁶](#). The relevant record of the EDPB is available [here⁷](#).

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

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

The legal ground of the processing is Article 5(1)(a) and 5(2) ("Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body") of Regulation (EU) 2018/1725.

For the Commission, 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, Article 47 DMA and Article 70(1), point (e) GDPR.

For the EDPB, the Union law which is the basis for the processing based on Article 5(1)(a) of Regulation (EU) 2018/1725 is Article 70(4) GDPR.

With regard to the publication of your name, surname, country, professional sector and where applicable transparency register number on the EC website, this is subject to your consent in line with Article 5(1)(d) of Regulation (EU) 2018/1725.

⁴ <https://ec.europa.eu/dpo-register/detail/DPR-EC-03187>

⁵ <https://ec.europa.eu/dpo-register/detail/DPR-EC-01488>

⁶ <https://ec.europa.eu/dpo-register/detail/DPR-EC-00536>

⁷ https://www.edpb.europa.eu/system/files/2023-11/20231123_edpb-0006-record-document_management-short-midterm.pdf



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Where we are required to process your personal data for the purposes of requests for access to documents in accordance with Regulation (EC) 1049/2001⁸, the lawfulness of said processing rests on Article 5(1)(b) and (2) of Regulation (EU) 2018/1725.

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

In order to carry out this processing operation we may process the following categories of personal data:

- *name and surname,*
- *professional affiliation including the name of the entity where you work and sector of employment,*
- *country,*
- *your e-mail address,*
- *the name of a self-employed individual (natural persons) on whose behalf the respondent is contributing,*
- *transparency register number,*
- *your contribution to the targeted consultation including your opinion, and*
- *any other personal data that you may choose to include in your contribution.*

Please note that we do not request nor expect data subjects to provide any special categories of personal data under Article 10(1) of Regulation (EU) 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 consultation activity.

5. How long do we keep your personal data?

The Commission and the EDPB only keep 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, i.e. when the Joint Guidelines on the interplay between the DMA and the GDPR are finalised, adopted and published.

The Commission and the EDPB consider contributions to public consultations as documents with historical or administrative value, to be transferred and preserved by the historical archives in principle. In this case, the personal data they contain will be kept indefinitely and - unless an exemption applies - be made public in accordance with Regulation (EEC, EURATOM) 354/83 on the opening to the public of historical archives after 30 years.

The contributions and information relating to respondents (provided they did not opt for anonymous contribution) will remain publicly available on the DMA website for a maximum of 5 years.

⁸ <https://eur-lex.europa.eu/eli/reg/2001/1049/oj/eng>

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 *or of processors of the EDPB*. All processing operations are carried out by the Commission pursuant to [Commission Decision \(EU, Euratom\) 2017/46⁹](#) of 10 January 2017 on the security of communication and information systems in the Commission. The EDPB applies its internal cybersecurity risk management, governance and control framework decision ('Cybersecurity Framework').

In order to protect your personal data, both the Commission and the EDPB have 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. Commission and EDPB, including EDPB Secretariat staff members abide by statutory, and when required, additional confidentiality agreements.

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

Your contribution to the present targeted consultation will be published on a Commission website, along with any personal data spontaneously provided by you in your contribution and the personal data for which you have given your consent for their publication.

Access to your personal data is provided to Commission and EDPB members, including EDPB Secretariat staff members responsible for carrying out this processing operation and to other authorised staff of the joint controllers according to the "need to know" principle.

Please note that pursuant to Article 3(13) of Regulation (EU) 2018/1725 public authorities (e.g. Court of Auditors, Court of Justice of the European Union) 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 European Parliament could have access to your personal data, acting as a processor of the EDPB for the provision of technical services to the EDPB, where relevant and necessary.

In accordance with Regulation (EC) No 1049/2001, members of the public could have access to your personal data in the context of requests for access to documents, where the relevant exceptions under Article 4 thereof do not apply.

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

You have specific rights as a 'data subject' under Chapter III (Articles 14-24) 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 request

⁹ <https://eur-lex.europa.eu/eli/dec/2017/46/oj/eng>



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erasure of your personal data, restriction of the processing of your personal data and the right to data portability.

For processing based on Article 5(1)(a) and (2) of Regulation (EU) 2018/1725, you can object to the processing of your personal data for reasons relating to your particular situation. When you contact us to exercise this right, please explain these reasons. We will remove your personal data unless we can demonstrate compelling legitimate grounds for the processing that override your interests, rights and freedoms.

For the processing of your personal data based on your consent, you can withdraw your consent at any time by notifying the Data Controllers. The withdrawal will not affect the lawfulness of the processing carried out before you have withdrawn the consent.

For the publication of your name, surname, country, professional sector and where applicable transparency number, which are based on your consent, you can withdraw your consent at any time, without any consequence, and as easily as you have provided it by sending an email to the contacts indicated in section 9 below. However, please be aware that this will not affect the lawfulness of the processing based on your consent prior to withdrawing it.

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

To exercise your rights, see the contact information provided in 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 11 below) in your request.

In accordance with Article 14(3) of Regulation (EU) 2018/1725, after receiving your request we have one month to provide information on action taken on your 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 of the Joint Controllers and their DPOs

Commission

In accordance with Article 28(1) of Regulation (EU) 2018/1725, the Commission is your main contact point for this targeted consultation. 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 DG CNECT – Unit D2 Digital Markets at: ECDMA@ec.europa.eu.

You may contact the Commission 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.



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EDPB

Whilst we encourage you to contact the Commission as the designated contact point, you may exercise your rights as a data subject with the EDPB in respect of and against the Commission and/or the EDPB. You may contact the EDPB at: edpb@edpb.europa.eu.

You can also contact directly the EDPB Data Protection Officer or the EDPB, via the EDPB's website contact page https://www.edpb.europa.eu/about-edpb/more-about-edpb/contact-us_en (to contact the DPO, please select the option "Requests for the EDPB DPO").

10. Contact information of 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 Controllers.

11. 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 them. You may access the register via the following link: <http://ec.europa.eu/dpo-register>.

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

The relevant record is available on the EDPB website¹⁰ under reference number 14.

¹⁰ https://www.edpb.europa.eu/edpb-centralised-register-records_en