



EUROPEAN COMMISSION

## PROTECTION OF YOUR PERSONAL DATA

**This privacy statement provides information about the processing and the protection of your personal data.**

**Processing operation:** **Best Available Techniques Information System (BATIS)**

**Data Controller:** DG Joint Research Centre, Unit B.5 (Circular Economy and Industrial Leadership)

**Record reference:** **DPR-EC-01012**

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## 1. 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 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 processing operation Best Available Techniques Information System (BATIS) undertaken by DG Joint Research Centre, Unit B.5 (Circular Economy and Industrial Leadership) is presented below.

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

The Best Available Technique Information System (BATIS) is used to:

- facilitate the exchange of information between experts from Member States, the Commission, industry, non-governmental organisations promoting environmental protection and other entities to develop a number of technical documents in relation to European environmental legislation;
- facilitate the internal processes carried out within the Circular Economy and Industrial Leadership Unit in order to draw up or review these documents.

Purpose of the processing operation: DG Joint Research Centre, Unit B.5 collects and uses your personal information for the aforementioned purposes.

BATIS is an electronic system, which contains all the information exchanged in the context of the drawing up/review of a number of technical documents in relation to European environmental legislation (e.g. BREFs, ecolabel criteria) except for confidential and sensitive information. These documents are developed within the Circular Economy and Industrial Leadership Unit of Directorate B: Growth and Innovation. Registered members are allowed to submit and view information. The information contained in BATIS comprises electronic documents (e.g. Word, Excel, and PDF files) and contact details of registered members from expert groups. One of the functionalities of BATIS is to allow registered members to submit information and to make comments online on draft documents. For sake of transparency, all members must know who is submitting information and making comments as well as whom he/she is representing. Therefore, personal data are collected.

Your personal data will not be used for other purposes.

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

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

We process your personal data under Article 5(1) of Regulation (EU) 2018/1725, because:

- (a) 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;
- (b) Processing is necessary for compliance with a legal obligation to which the controller is subject;
- (d) The data subject has given consent to the processing of his or her personal data for one or more specific purposes.

The legal basis for the processing referred to above has been laid down in the following Union law:

- The Industrial Emissions Directive 2010/75/EU (IED) stipulates in Article 13(1) that the Commission shall organise an exchange of information between Member States, the industries concerned, non-governmental organisations promoting environmental protection and the Commission to draw up, review and, where necessary, update BAT reference documents,
- The Directive 2006/21/EC on the management of waste from extractive industries stipulates in Article 21(3) that the Commission shall organise an exchange of information between Member States and the organisations concerned on best available techniques, associated monitoring and developments in them,
- The Regulation EC/66/2010 on the EU ecolabel stipulates in Annex I (A) (Procedure for the development and revision of EU ecolabel criteria – Standard procedure) that the preliminary report, the proposal for draft criteria and the associated technical report shall be made publicly available on the Commission's dedicated EU Ecolabel website for comments,
- The Communication from the European Commission COM(2008) 400 final on Green Public Procurement stipulates in Section 4.1: '... An expert group which brings together Member State representatives who are active in the field of GPP has been set up and has closely cooperated with the Commission services in the criteria setting exercise. The Commission proposes to formalise this process of consultation with the aim of achieving more and better GPP based on common GPP criteria and a common measurement method, based on the principles of the open method of coordination.

We do not process special categories of personal data, therefore Article 10 of Regulation (EU) 2018/1725 does not apply.

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

In order to carry out this processing operation, DG Joint Research Centre, Unit B.5 collects the following categories of personal data:

- Title
- First Name
- Last Name
- Date of invitation, registration and last login to BATIS

- User role in BATIS (e.g. Technical Working Group member or observer), type of organisation represented (e.g. Country, Industrial NGO, Environmental NGO or European Commission) and Technical Working Groups to which the user is assigned
- E-mail, telephone, fax
- EU Member State or association affiliation
- Address and homepage of the organisation
- Nomination details: Person/Organisation who nominated the registered member, date, form (Letter, email or fax), notes on nomination (e.g. if user replaces another expert)
- Documents and comments posted by the user (e.g. in the BATIS forum or the online commenting functionality)
- Date and time when a user carried out certain activities in BATIS:
  - creation, modification or deletion of a folder or a post in the BATIS forum;
  - creation, modification or deletion of a comment on the post of another user in the BATIS forum;
  - commenting using the online commenting functionality;
  - creation of a shadow group (only for Technical Working Group members);
  - work on BREF drafting (e.g. publication of an html version; for JRC staff only).

The extent, to which data from the aforementioned categories is processed, depends on the user role. For example, for the so-called shadow group members, data is only processed for a few of the aforementioned categories.

Other personal data are stored in the log files of the application. These are not accessible from within the application and are exclusively used by IT staff to ensure the proper functioning of the application.

The provision of personal data is mandatory to meet a statutory requirement of transparency for the development of the aforementioned technical documents. If you do not provide your personal data, you will not be able to access BATIS and participate in the development of the aforementioned technical documents.

## **5. How long do we keep your personal data?**

DG Joint Research Centre (JRC), Unit B.5 only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for the development of technical documents as described above.

Generally, personal data are kept as long as the user wishes to access BATIS. When a user does not login during a period of 2 years, the user will get an automatic E-mail with a request to login. If the user does then not login within a period of one month, the user account and the personal data are automatically deleted (see below).

When a user account is deleted, all information is deleted that could allow tracing a natural person (e.g. name, E-mail, telephone). The username is anonymised by replacing it with a number. In connection to this number, the following information is kept for the sake of transparency in the decision-making process:

- User role in BATIS (e.g. Technical Working Group member or observer) and Technical Working Groups to which the user was assigned
- EU Member State or association affiliation
- Documents and comments posted by the user (e.g. in the BATIS forum or the online commenting functionality)
- Date and time when a user carried out certain activities in BATIS:
  - creation, modification or deletion of a folder or a post in the BATIS forum
  - creation, modification or deletion of a comment on the post of another user in the BATIS forum
  - commenting using the online commenting functionality

In the specific case of the so-called shadow group members, all personal data are automatically deleted after a period of three months after the end of the commenting period on a formal draft document.

## **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 European Commission. All processing operations are carried out pursuant to the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.

In order to protect your personal data, the Commission has put in place a number of technical and organisational measures in place. 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.

## **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 this processing operation and to authorised staff according to the “need to know” principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

Registered BATIS users can see the following personal data of other registered BATIS users:

- Title
- First Name
- Last Name
- User role in BATIS (e.g. Technical Working Group member or observer), type of organisation represented (e.g. Country, Industrial NGO, Environmental NGO or European Commission) and Technical Working Groups to which the user is assigned
- E-mail, telephone, Fax
- EU Member State or association affiliation
- Address and homepage of the organisation
- Documents and comments posted by the user (e.g. in the BATIS forum or the online commenting functionality)

- Date and time when a user carried out certain activities in BATIS:
  - creation, modification or deletion of a folder or a post in the BATIS forum
  - creation, modification or deletion of a comment on the post of another user in the BATIS forum
  - commenting using the online commenting functionality
  - creation of a shadow group (only for Technical Working Group members)

Data is transferred neither to countries outside the EEA nor to international organisations. However, it is not excluded that the experts registered in BATIS are from third countries or are working for international organisations. In this remote scenario, we rely on the derogation foreseen in Article 50(1)(d) of Regulation (EU)2018/1725 as the transfer is necessary for important reasons of public interest, namely for the development of the technical documents (and the subsequent technical legislation), the EU has an interest in gathering technical knowledge and experience from countries outside the EEA.

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, rectify or erase your personal data and the right to restrict the processing of your personal data. Where applicable, you also have the right to object to the processing or 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.

You have consented to provide your personal data to DG Joint Research Centre (JRC), Unit B.5 for the present processing operation. You can withdraw your consent at any time by notifying 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 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.

As data subject you have the right to object the processing of your personal data by exercising your privacy rights.

## **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, DG Joint Research Centre (JRC), Unit B.5 ([jrc-b5-eippcb@ec.europa.eu](mailto:jrc-b5-eippcb@ec.europa.eu))

- **The Data Protection Officer (DPO) of the Commission**

You may contact the Data Protection Officer ([DATA-PROTECTION-OFFICER@ec.europa.eu](mailto: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](mailto: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.

**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: <https://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-01012](#) - Best Available Techniques Information System (BATIS)