



**Subject: Privacy statement - Targeted consultation activities
(including surveys, interviews and focus groups)**

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

Processing operation: Targeted consultation on the regime applicable to the use of benchmarks administered in a third country, starting on 20 May 2022.

Data Controller: Directorate-General for Financial Stability, Financial Services and Capital Market Union (DG FISMA), Unit C3 (Securities markets).

Record reference: [DPR-EC-01011](#)

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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.

This privacy statement concerns the processing operation ‘Targeted consultation activities’, consultation on the regime applicable to the use of benchmarks administered in a third country undertaken by the Commission Directorate-General for Financial Stability, Financial Services and Capital Market Union (DG FISMA), Unit Unit C3 (Securities markets) as presented below.

2. WHY AND HOW DO WE PROCESS YOUR PERSONAL DATA?

The European Commission collects and uses your personal information within the framework of targeted consultation activities.

More specifically, this concerns the following processing activities:

- obtain the views of the respondents of the targeted consultation activity. In view of the design, evaluation and revision of initiatives it is indispensable for the Commission to receive input and views from those who are considered to be concerned by the policy or initiative.
- 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, in principle, your views will be published on a Europa website, either directly as received, in the form of a summary report, or included in a wider policy document. Your identity is only published together with your contribution if you consent to the publication of your identity.

The subject matter of the consultation activity require you to provide personal data in your response. 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 that would reveal your identity.

To avoid misuse, anonymous contributions to the consultation activity may not be accepted.

The consultation activity uses the Commission's online questionnaire tool EUSurvey which requires login via EULogin. EULogin requires certain personal data such as name, surname and e-mail address of the registrant. For further information, on EULogin please refer to the dedicated processing operation 'DPO-839-4 Identity & Access Management Service (IAMS)'.

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.

3. 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 in the public interest;
- 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:
 - o publication of the identity of the stakeholder or respondent;
 - o publication of audio or video recordings;
 - o if the subject matter of a targeted consultation requires respondents to provide personal data in their response, their publication;
 - o if applicable, the processing of special categories of personal data.

The Union law which is the basis for the processing based on Articles 5(1)(a) and (b) 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.

4. WHICH PERSONAL DATA DO WE COLLECT AND FURTHER PROCESS?

In order to carry out this processing operation the Data Controller collects the following categories of personal data:

- name and surname,
- profession,
- country of residence,
- e-mail address of the respondent,
- the name, size, type and transparency number of the organisation 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 (if the targeted consultation at hand requires so).

Personal data can be published following the consultation if the data subject has provided his/her consent by ticking a box on the online consultation form.

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

5. 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 retention period is without prejudice to an earlier elimination of personal data not part of the file or cases of administrative elimination.

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](#). 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 European 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 notifications [DPO-1530.4 ARES-NOMCOM](#), [ARES \(Advanced Records System\)](#) et [NOMCOM \(Nomenclature Commune\)](#), [DPO-3871-3 Notification for the digital archival repository and ARCHISscanning](#) and [DPO-2806-5 Gestion des dossiers papier structurés par nom de personnes et transférés aux Archives Historiques](#)!).

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. 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, in particular to follow-up on the targeted consultation. Such staff abide by statutory, and when required, additional confidentiality agreements.

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 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.

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 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 to the Data Controller 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.

Any request for access to personal data will be handled within one month. Any other request mentioned above will be addressed within 15 working days.

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, fisma-benchmark-review@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.

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-01011.1](#).