

Specific Privacy Statement on the processing of personal data in the procedure of MS Teams (collaboration application of Office 365) during the Business Continuity scenario established for COVID-19.

The protection of your privacy is of the utmost importance to the European Union Intellectual Property Office ('EUIPO' or 'us' or 'the controller'). The Office is committed to respecting and protecting your personal data and ensuring your rights as a data subject. All data of a personal nature, namely data that can identify you directly or indirectly, will be handled fairly, lawfully and with due care.

This processing operation is subject 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

The information in this communication is provided pursuant to Articles 15 and 16 of Regulation (EU) 2018/1725.

1. What is the nature and the purpose(s) of the processing operation?

Due to the outbreak of the coronavirus COVID-19 virus, the Office has extended the use of Microsoft Office 365, and in particular 'Microsoft Teams' to organise virtual meetings and teleconferences with internal staff and external stakeholders. MS Teams is a cloud-based application included as part of Office 365 that is provided to users with the aim to offer more flexibility and improve communications and collaboration between stakeholders and the Office. The core capabilities in Microsoft Teams include business messaging, calling, video meetings and file sharing.

The personal data is collected and stored in Microsoft's Cloud servers with the purpose of providing the abovementioned services.

The processing is not intended to be used for any automated decision making, including profiling.

2. What personal data do we process?

The categories/types of personal data processed are the following:

- Personally identifying Information: username, name, surname, email, work telephone number, current function and preferred language.
- Electronic identifying information: IP address, cookies, connection data and access times.
- Movies, pictures, video and sound recordings.
- Metadata used for the maintenance of the service provided.
- Any data as (potentially) processed in the context of file sharing for professional activities (e.g. message, image, files, voicemail, calendar meetings, contacts, and similar)

This personal data is processed in accordance with the [Processing of personal data for events, trainings and meetings](#).

3. Who is responsible for processing the data?

The processing of personal data is carried out under the responsibility of the Director of the Digital Transformation Department (DTD), acting as delegated EUIPO data controller. However, DTD acts as processor when the use of the application MS TEAMS is requested by other Department/Service of EUIPO. In this situation, the requesting Department/Service will act as controller.

Personal data is processed by DTD's external service provider, such as Microsoft, for the following activities:

- Provisioning end-user support and troubleshooting for Office365 applications and features related to conducting virtual meetings and teleconferences
- Track changes to users and groups
- Management of content uploaded to MS Teams, including data retention policies
- Manage MS Teams settings
- Support, operate, and maintain the Online Services.

In you wish to see more information regarding the processing of personal data by Microsoft, please access their [Microsoft Privacy Statement](#).

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

The personal data is disclosed, under the need to know basis, to the following recipients:

- EUIPO staff members and EUIPO externals users included in the MS Team that is used for the exchange of information;
- DTD, Microsoft and DTD's external service provider involved in the data processing necessary to provide the service.

Personal data is stored in the EU according to the application configuration implemented by EUIPO.

The data is not used for any other purposes nor disclosed to any other recipient.

5. How do we protect and safeguard your information?

We implement appropriate technical and organisational measures to safeguard and protect your personal data from accidental or unlawful destruction, loss, alteration, unauthorised disclosure, or access.

MS Teams has been configured to preserve the confidentiality of the information you exchange by implementing encryption during all communications and in storage, and anonymous access is not authorized. Any information you add to a group in MS Teams, be it via chat, video conference or file sharing, will be available only to the specific users and groups indicated in question 4. "Who has access to your personal data and to whom it is disclosed".

Microsoft data centres are certified in several security standards, most notably ISO 27001, SOC 1 and SOC 2, NIST Cybersecurity Framework (CSF), ISO 27017 and ISO 27018 Code of Practice for Protecting Personal Data in the Cloud.

Microsoft has implemented several safeguards to ensure the availability of the information. As a minimum, data is replicated between two data centres within the same region, has redundancy controls and implements backups that are encrypted before being transmitted and stored.

Data centres have physical and logical security monitoring measures, such as:

- video surveillance of the perimeter;
- seismic and environmental monitoring at the buildings;
- monitoring of security threats, such as worms, denial of service attacks, unauthorised access, or any type of unlawful activity.

Microsoft has implemented a list of over 700 safeguards in Microsoft's systems, servers, and data centres. This includes safeguards against accidental or unlawful destruction, loss, unauthorised access, use, modification or disclosure. These internal controls are audited on a yearly basis, if required, audit information can be provided under a Non-Disclosure Agreement (NDA). Information is encrypted while at rest and in transit.

As mentioned above, Personal data is stored in the EU according to the application configuration implemented by EUIPO, however it may be made available to subcontractors in other countries, depending on the requirements for maintenance, support or operation of online services, and the availability of this expertise.

Nevertheless, if access is granted, it is always temporarily and only to the data required for the specific maintenance, support or operation procedure being carried out. The following safeguards are implemented.

- In all transfers to third countries, Microsoft uses EU Standard contract clauses for the transfer with its subprocessors.
- Microsoft requires sub processors to join the Microsoft Supplier Security and [Privacy Assurance Program](#). This program is designed to standardise and strengthen data handling practices, and to ensure supplier business processes and systems are consistent with those of Microsoft.

6. How can you obtain access to information concerning you and, if necessary, rectify it? How can you receive your data? How can you request that your personal data be erased, or restriction or object to its processing?

You have the right to access, rectify, erase, and receive your personal data, as well as to restrict and object to the processing of your data, in accordance with Articles 17 to 24 of Regulation (EU) 2018/1725.

If you would like to exercise any of these rights, please send a written request explicitly specifying your query to the delegated data controller, Director of the Digital Transformation Department.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the MS Teams procedure.

Your request will be answered free of charge and without undue delay, and in any event within one month of receipt of the request. However, according to Article 14(3) of Regulation (EU) 2018/1725 that period may be extended by two further months where necessary, taking into account the complexity and number of the requests. We shall inform you of any such extension within one month of receipt of the request, together with the reasons for the delay.

7. What is the legal basis for processing your data?

Processing is based on Article 5.1(a) of Regulation (EU) 2018/1725.

The personal data is collected and processed in accordance with [EUIPO Information security policies](#).

8. How long do we store your data?

Data will be stored in MS Teams for one year after the exchange activity is completed.

9. Contact information

Should you have any queries/questions concerning the processing of your personal data, please address them to the data controller, Director of the Digital Transformation Department at: DPOexternalusers@euiipo.europa.eu

You may consult the EUIPO Data Protection Officer at: DataProtectionOfficer@euiipo.europa.eu

Form of recourse:

If your request has not been responded to adequately by the data controller and/or DPO, you can lodge a complaint with the European Data Protection Supervisor at: edps@edps.europa.eu