



EUROPEAN COMMISSION

PROTECTION OF YOUR PERSONAL DATA

This privacy statement provides information about the processing and the protection of your personal data in the context of targeted consultation activities (including surveys, interviews and focus groups)

Processing operation: *Targeted consultation activities (including surveys, interviews and focus groups) in the context of the “Study to support the review of Directive (EU) 2016/1148 concerning measures for a high common level of security of network and information systems across the Union (NIS Directive) – N° 2020-665”*

Data Controller: *DG CNECT- Unit H2*

Record reference: *DPR-EC-01011.1*

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1. Introduction

The Directorate-General for Communications Networks, Content and Technology (hereinafter 'DG CNECT') is committed to protect your personal data and to respect your privacy. DG CNECT 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', undertaken by DG CNECT, Unit H2, in the context of the "*Study to support the review of Directive (EU) 2016/1148 concerning measures for a high common level of security of network and information systems across the Union (NIS Directive) – N° 2020-665*" as presented below.

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

Purpose of the processing operation: 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. In this case, DG CNECT collects and uses your personal information in order to ensure the possibility for a potential follow-up to clarify some details gathered during the interview.

- 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. *In this case*, DG CNECT collects and uses your personal information to contact you for evaluation purposes, namely asking you to provide feedback on key problems and needs in the area of cybersecurity, which have emerged since the adoption of the NIS Directive in 2016, and identify and analyse policy options to address them and assess their potential impacts.

For reasons of transparency and openness, in principle, your views could 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 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:
- publication of the identity of the stakeholder or respondent;
 - 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, *DG CNECT Unit H2* collects the following categories of personal data:

- *First and last name;*
- *Organisation;*
- *Professional/personal e-mail address.*

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?

DG CNECT Unit H2 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 (*or of its contractors (processors), if contractors are engaged to assist the controller*). 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 several 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.

The Commission's processors/contractors (namely, in the case of this study, the consortium made of ICF, Wavestone and the Centre for European Policy Studies) are bound by a specific contractual clause for any processing operations of your personal data on behalf of the Commission. The processors have to put in place appropriate technical and organisational measures to ensure the level of security, required by the Commission.

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.

The following entity processes your personal data on our behalf (DG CNECT contractor): WAVESTONE (located at Tour Franklin, 100-101 terrasse Boieldieu, 92042 Paris La Défense Cedex).

In case you agree to be contacted for evaluation purposes, your data would be disclosed to the designated contractor conducting the evaluation.

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.

The information we collect will not be given to any other 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 your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, 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 *DG CNECT Unit H2* 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, *DG CNECT Unit H2, CNECT-NIS-DIRECTIVE@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