



EUROPEAN COMMISSION

PROTECTION OF YOUR PERSONAL DATA

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

Processing operation: OIB - Consulting documents of the Historical Archives of the EU

Data Controller: Concetta Cultrera

Record reference: DPR-EC-00880.1

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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 statement concerns the consulting of files and documents opened by the Historical Archives Service of the EC (HAS). It will be possible for searchers and other external persons to consult files and documents:

- in the reading room of HAS
- in the reading room of the Historical Archives of the EU (HAEU)
- online via the websites and databases of HAS and HAEU

Access to digitised copies is possible for files which have been opened according to the 30-years-rule laid down in regulation 354/83 after having checked if declassification was necessary or if protection for personal data or commercial interest opposes to give access.

Data controller is the head of unit OIB.OS.1 (Historical archives, mail, reproduction services).

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

The head of unit OIB.OS.1, referred to hereafter as Data Controller, collects and uses the personal information for the purpose of fulfilling the legal obligation of the "archives" regulation (COUNCIL REGULATION (EEC, EURATOM) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community) and of enabling research on European integration and the functioning of European Institutions. Furthermore, the latter Regulation was further amended in 2003 (1700/2003) and 2015 (496/2015) with an emphasis on data protection aspects and the scope of the institutions which obliged to transfer their files to the HAEU.

The archive files that are being processed in this context are all open in the public after 30 years. Archives, included those which contain personal data,

- are a unique and irreplaceable heritage passed from one generation to another;
- are decisive for understanding the past, and for documenting the present to guide future actions;
- are authoritative sources of information underpinning accountable and transparent administrative actions;
- play an essential role in the development of societies by safeguarding and contributing to individual and community memory;
- constitute the memory of nations and societies, shape their identity, and are a cornerstone of the information society;
- support administration and underlie the rights of individuals, organizations and states; by providing evidence of human actions and transactions;

- are fundamental to identity, democracy, accountability and good governance, by guaranteeing citizens' rights of access to official information and to knowledge of their history.

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

Some documents transferred to the Historical Archives are not accessible: [articles 2 of EU regulation 1700/2003](#) :

- *In the case of documents covered by the exception relating to privacy and the integrity of the individual, as defined in Article 4(1)(b) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents(*) and that relating to the commercial interests of a natural or legal person, including intellectual property, as defined in the first indent of Article 4(2) of Regulation No 1049/2001, the exceptions may continue to apply to all or part of a document after the 30-year period if the relevant conditions for their application are satisfied.*
- Documents covered by the exception relating to privacy and the integrity of the individual, as defined in Article 4(1)(b) of Regulation (EC) No 1049/2001, including files of staff of the European Communities, may be disclosed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (**), and in particular Articles 4 and 5 thereof.

Also, the HAS collects personal data of the researchers in order to keep tracks of the files they have seen. We use this information to provide a sound service to our researchers such as avoiding proposing twice the same references. We also need to know who see last a particular file in case we discover its content was altered or stolen.

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 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; the purpose of data collection is to fulfil the legal obligation of Regulation 354/83, amended by the regulation 1700/2003 and to enable research on European integration and the functioning of European Institutions.

Legal basis for the opening of files are:

- Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community

Comment: the regulation has been amended two times, the first time in 2003 and the second time in 2015. In 2003 the emphasis was on data protection, in 2015 it was on the scope of the institutions which are obliged to transfer their files to the HAEU; for the exact title of the regulation and the consolidated text please see: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:01983R0354-20150326&from=EN>

The two modifying regulations are:

- Council Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 amending Regulation (EEC, Euratom) No 354/83 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community
<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32003R1700&from=EN>

- COUNCIL REGULATION (EU) 2015/496 of 17 March 2015 amending Regulation (EEC, Euratom) No 354/83 as regards the deposit of the historical archives of the institutions at the European University Institute in Florence
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R0496>

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

In order to carry out this processing operation the historical archives service collects the following categories of personal data:

Data subject may be primarily any person who contributed to a decision or action of the Commission. In addition to that, every person who was explicitly concerned or addressed by a decision or action of the Commission also can be data subject.

Given the potentially wide scope of documents, all data fields are possible; however the most common data fields will be: Title, First Name, Family Name, Organisation, Organisation's geographic area of activity, Street and number, Country, Postal Code, City, Phone, Fax, E-Mail Address, Date of birth, Family status.

Regarding the application for access to the European historical archives, we collect the following data: name, forename, subject of research, data about their university/school/institute (name, name of the professor, whether the work is collective or not), agreement to let other researchers reach them in case of a common interest on a European topic.

5. How long do we keep your personal data?

All DG's, Cabinets, EEAS, and some Agencies with service level agreement transfer their paper/electronic files to the historical archives service after the administrative retention period.

The historical archives service apply the actions following the transfers and described for each type of file in the common retention list (*SEC(2019)900*) and in the specific retention lists: Permanent preservation or second review for elimination.

The application for access to the European historical archives is kept during 5 years that correspond to the average length of work for a thesis.

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 either on the servers of the European Commission or of its contractors. 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.

The Commission's contractors are bound by a specific contractual clause for any processing operations of your data on behalf of the Commission, and by the confidentiality obligations deriving from the transposition of the General Data Protection Regulation in the EU Member States ('GDPR' [Regulation \(EU\) 2016/679](#)).

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. In addition to them, reader of the files and documents accessible via one of the three channels indicated and to the data retained in them are mainly academia (professors, assistants and students), representatives of media and interest groups.

After having given access to data, Historical Archives Service will have no control whether data will be transferred outside of the EU or EEA.

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).

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.

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, OIB.OS.1 (Historical archives, mail, reproduction services) - oib-archis-base@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-00880**