

## **Specific Privacy Statement on the processing of personal data in the context of application programming interfaces (API) for offering Intellectual Property related services**

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?**

Personal data is processed for the purpose of allowing the user to have a simpler and dynamic use of EUIPO services, for example, when the user wants to file a trademark application. To achieve this interaction, we use application programming interfaces (API). The API is a technical mechanism or channel that provides programmatic access to a (software) service.

The tool we are using to achieve this purpose is IBM API Connect.

Identification documents are processed solely for the purpose of verifying a user's identity when a subscription request is submitted.

Email addresses and residential addresses are processed for the purpose of communicating with the user when necessary.

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

### **2. What personal data do we process?**

The following information is collected from the user:

- IP address
- e-mail address
- residential address
- geographical area
- user identifier (pseudonymized data)

The APIs themselves will collect and allow access to different categories of personal data depending on the service that the Office is providing via the API in question (for example, when filing a trademark). This personal data, however, is no different from the personal data collected

or made accessible via the EUIPO Website for carrying out the same task and is detailed in the [EUIPO Data Protection Notice.](#)

For more information on the categories of personal data processed within the framework of the Office's IP tasks, please see the [EUIPO's explanatory note.](#)

Regarding the use of API 'Persons', personal data collected are those included in the ID document of the subscriber and, where applicable, in the document proving the subscriber's authority to make the API conditions of use binding on the entity it is acting for.

### **3. Who is responsible for processing the data?**

The processing of the personal data is carried out under the responsibility of the Director of the Digital Innovation Department, acting as delegated EUIPO data controller. Personal data collected for the purpose of subscription to API 'Persons' is processed by authorized staff of the Office.

Personal data is processed by external service providers, FUJIN for providing maintenance of IT services, by Netcompany as developer and IBM as platform provider.

### **4. Who has access to your personal data and to whom are they disclosed?**

The personal data is disclosed to the following recipients:

The information concerning API's management and the identification of a subscriber to the API 'persons' is shared with authorized personnel necessary for the implementation of such measures on a need-to-know basis. The data is not used for any other purpose nor is it disclosed to any other recipient. All actors involved in the validation and management of APIs: - Digital Innovation Department Service Providers in charge of providing the services have signed a confidentiality agreement.

### **5. How do we protect and safeguard your information?**

We take appropriate technical and organizational measures in order to safeguard and protect your personal data from accidental or unlawful destruction, loss, alteration, unauthorized disclosure or access.

All personal data related to API's management and to the identification of a subscriber to the API 'Persons' is stored in secure IT systems according to the Office's security standards. Appropriate levels of access are granted individually only to the above recipients.

EUIPO systems and servers are password protected and require an authorized username and password to access. The information is stored securely so as to safeguard the confidentiality and privacy of the data therein. Data is stored on servers separate from the systems where the data is produced, so as to avoid leaks in case of malware or security incidents.

Regardless of stage, everybody dealing with personal data in the management of log files must sign a confidentiality declaration.

The data processing involves the usage of IBM API Connect, a tool that will be used to centralize and automate the control and usage of APIs by users.

For information on how IBM secures the data please refer to: <https://www.ibm.com/privacy?lnk=flg-priv-usen>

### **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 the cases foreseen by Articles 17 to 24 of the 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 Innovation Department.

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 which provides that 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.

**8. How long do we store your data?**

We only retain personal information as long as necessary to fulfill the purposes for which it is processed, or to comply with legal and regulatory retention requirements.

Identification documents are retained for as long as necessary to verify and approve or reject a submission request.

Email addresses and residential addresses are retained for as long as the API Portal subscription remains active.

Statistics of API requests that contain an IP address are retained for 90 days.

**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 Innovation Department under the following mailbox: [DPOexternalusers@euipo.europa.eu](mailto:DPOexternalusers@euipo.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 the following address: [edps@edps.europa.eu](mailto:edps@edps.europa.eu)