

Information sharing system implemented under article 85 of the Digital Services Act

PRIVACY POLICY

Privacy Policy defined by the European Commission on the processing of personal data in respect of the information sharing system set up to support communications between digital services coordinators and the Commission under article 85 of the Digital Services Act and used for the transmission of complaints between digital services coordinators.

The European Commission ("the Commission") is committed to protecting your personal data and respecting your privacy. The Commission collects and analyses personal data within the scope of Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons regarding relation to the processing of personal data and on the free movement of such data (repealing Regulation (EC) no. 45/2001 and Decision No. 1247/2002/EC).

This privacy statement explains the reasons for processing your personal data, the way we collect, handle and ensure protection of all personal data provided to us, 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. Information is presented below on the processing of personal data provided to online platforms and other interested parties upon registration in the Transparency Database, organised by the Commission.

Why and how do we process your personal data?

The purpose of data processing: the Commission collects and manages your personal information as part of the registration of online platforms and other interested parties in the Transparency Database.

The Commission will not publish your identity without your consent.

To prevent unwanted outcomes, anonymous contributions to the Commission will not be accepted, regardless of consent.

The purpose of the registration activity requires you to provide personal data in your response that can identify you and make you identifiable. This personal data will not be published without your explicit consent.

You are responsible, should you wish to keep your personal data confidential, for avoiding any reference in your submission or contribution that reveals your identity.

The registration procedure uses the Commission's online survey tool, EUSurvey, which requires you to log in via an 'EU Login' or social media account. 'EU Login' requires certain personal data, such as the user's name, surname and email address. For more information, please refer to the privacy statements of 'EU Login' and EUSurvey as well as the 'Identity & Access Management Service (IAMS)' processing operations (reference number in the Data Protection Officer's public register: DPR-EC- 03187) and EUSurvey (reference number: DPR-EC-01488). If you choose to log in through a social media account, please consult the privacy statement of the social media platform used.

Your registration is stored in the Commission's document management system (for more information about the Commission's document management system, see the processing operation 'Management and (short- and medium-term) preservation of Commission documents', reference number: DPR-EC-00536).

The processed personal data may be reused for the purposes of proceedings before European Union courts, national courts, the European Ombudsman or the European Court of Auditors. Your personal data will not be used for automated decision-making, including profiling.

On what legal grounds do we process your personal data?

We process your personal data on the basis that processing is necessary for the public interest. The underlying Union law is Article 5(1)(a) of Regulation (EU) 2018/1725 and the Treaty of the European Union (specifically articles 1 and 11), article 298 of the Treaty on the Functioning of the European Union, in conjunction with Recital 22 of Regulation (EU) 2018/1725, as well as Protocol 2 on the application of the principles of subsidiarity and proportionality.

Additional specific legal provisions may be included in the specific privacy statement.

What personal data do we collect and process?

The following categories of personal data may be processed:

- name and surname,

- country of residence or registration,
- interested party's email address,
- the name of a self-employed worker (natural person) on whose behalf the interested party provides personal data, either in the response or as part of the registration, related to physical, economic, cultural or social identity, to the extent that article 10 of Regulation 2018/1725 does not apply.

Furthermore, the data subject may spontaneously provide other personal data on an unsolicited basis in the context of their registration.

The Data Controller does not request or expect data subjects to provide any special categories of personal data pursuant to Article 10(1) of Regulation 2018/1725 (i.e. "personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation") in relation to the data subject or to third parties in their contributions to the registration procedure. Any spontaneous inclusion of special categories of personal data is the responsibility of the data subject and the inclusion of such data by the data subject is considered as constituting explicit consent to its processing, in accordance with article 10(2)(a) of Regulation 2018/ 1725.

How long is your personal data stored?

The Data Controller will not keep your personal data for any longer than is necessary to fulfil the purpose of collection or further processing, that is for a maximum period of five years following the conclusion of the process to which the registration refers. A process is concluded, at the latest, when the initiative served by the registration produces a result.

This five-year retention period is based on the European Commission's retention policy for documents and processes (and the personal data contained therein), governed by the Common Commission-level retention list for European Commission files SEC(2019)900. This is a regulatory document in the form of a retention schedule that sets the retention periods and follow-up actions for the different types of Commission files.

This list was notified to the European Data Protection Supervisor.

The retention period is the period for which Commission departments are required to maintain files, depending on their usefulness for administrative purposes and in

accordance with relevant statutory and legal obligations. This period begins the moment the process is concluded.

In accordance with the Commission's list of common retention periods, following the 'retention period', processes, including (the result of) the registration of interest (and the personal data contained therein), may be transferred to the European Commission's Archives (see processing record 'Management and long-term preservation of the European Commission's archives', registered under reference number DPR-EC-00837).

How do we protect and safeguard your personal data?

All personal data in electronic format (emails, documents, databases, batches of uploaded data, etc.) is stored on the Commission's servers (or those of its processors where processors are contracted). All processing operations are carried out in accordance with Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.

To protect your personal data, the Commission has implemented a series of technical and organisational measures. Technical measures include appropriate measures to address online security, the risk of data loss, unauthorized data alteration or access, taking into account the risk posed by the processing and the nature of the personal data. Organisational measures include ensuring that access to personal data is restricted to authorized persons only.

The Commission's processors (contractors) are bound by specific contractual clauses in respect of any processing operations undertaken on behalf of the Commission and involving your personal data. Processors are required to implement appropriate technical and organisational measures to ensure the level of security required by the Commission.

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

Access to your personal data is granted to Commission staff responsible for its processing and to authorised staff in accordance with the "need to know" principle, in particular to carry out the registration procedure. Statutory confidentiality agreements and, where necessary, supplementary agreements are applied.

Certain personal data may be made public on the Europa website, including:

- any personal data which you have consented to have published;

- personal data provided spontaneously by you in your contribution (without being required by the registration procedure).

In accordance with Article 3.13 of Regulation (EU) 2018/1725, public authorities (e.g. Court of Auditors, European 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 such data by these public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing;

What are your rights and how can you exercise them?

As a 'data subject', you enjoy specific rights under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, including the right to access your personal data and to rectify it where it is incorrect or incomplete. In certain situations, you have the right to erase your personal data, to restrict the processing of your personal data, to object to processing and the right to data portability.

You have the right to object to the processing of your personal data, which is carried out lawfully in accordance with Article 5(1)(a), on grounds relating to your particular situation. Consent given to the Data Controller in respect of the processing of certain personal data may be withdrawn at any time by notifying the Data Controller.

Withdrawing consent does not affect the lawfulness of any processing carried out prior to the withdrawal of consent.

You can exercise your rights by contacting the Data Controller or, in case of dispute, the Data Protection Officer (DPO). If necessary, you can also contact the European Data Protection Supervisor. Their contact information is provided below.

If you wish to exercise your rights in the context of one or more specific processing operations, please provide a description of these operations in your request.

In accordance with Article 14(3) of Regulation (EU) 2018/1725, your request as a data subject will be processed within one month of its receipt. This period may be extended by two additional months when necessary and taking into account the complexity and number of requests. In this case, you will be informed of the extension of the deadline and informed of the reasons for the delay.

European Commission contacts

Data Controller

If you wish to exercise your rights under Regulation (EU) 2018/1725, if you have comments, questions or concerns, or if you wish to make a complaint regarding the collection and use of your personal data, please contact the Data Controller, whose contact details will be provided in the specific privacy statement for the specific registration procedure.

Commission Data Protection Officer (DPO)

The Commission Data Protection Officer should be contacted in relation to any questions relating to the processing of your personal data under Regulation (EU) 2018/1725, using the following email: DATA-PROTECTION-OFFICER@ec.europa.eu

European Data Protection Supervisor

Data subjects have the right to appeal (i.e. may file a complaint) to the European Data Protection Supervisor (edps@edps.europa.eu) if they consider that their rights under Regulation (EU) 2018/1725 have been violated as a result of the processing of their personal data by the Data Controller.

Questions about the **ANACOM's Data Protection Policy** may be sent to the Data Protection Officer by email: epd@anacom.pt.