



PRIVACY STATEMENT

This statement refers to the processing of personal data in the context of State aid investigations carried out by the European Commission Directorate General for Competition (Competition DG). The data that are collected and further processed in such investigations include information relating to identified or identifiable natural persons and the processing of such data is subject to [Regulation \(EC\) 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

The processing occurs under the responsibility of the Mr. Michel Magnier, Acting Director of the Registry and Resources Directorate of the Competition DG, acting as the Controller.

What is the purpose of the data collection?

The purpose of an European Community State aid investigation is to determine whether State aid is granted and if so, to assess its compatibility under Articles [87](#) and [88](#) of the Treaty.

For the purpose of enabling the Commission to conduct State aid investigations, Member States have to notify to Commission any plans to grant State aid (Art. 88 EC). Furthermore, as laid down in Council [Regulation 659/1999](#), the Commission can ask additional information from Member States. Information can also be received from complainants and interested parties.

Information that is collected and further processed by the Competition DG relates to undertakings which are or will be possible recipients of State aid. Such information is only used in evidence for the purpose of applying the EC competition rules and in respect of the subject matter for which it was collected. As a result of the investigation, and when the State aid is not compatible, it will not be authorized, or in the case of unlawful aid it will have to be recovered by the Member State concerned from the beneficiary.

What personal data do we collect?

Personal data that are collected and further processed in the context of State aid investigations are the names, contact details (work (e-mail) address, telephone and fax number and occasionally also private contact details) and the position of the natural person in the undertaking (e.g. CEO, marketing manager, etc). Other data are contact details of complainants, or business holdings of private persons, in order to examine the SME-status of certain undertakings.

Who has access to your information and to whom is it disclosed?

Access to State aid files is restricted to the Competition DG personnel duly authorised by the Controller on a strictly need to know basis. The documents collected are stored both electronically and in paper files. Access to the electronic files is restricted to the Competition DG personnel using the Competition DG IT infrastructure, the operation of which is governed by the Commission's security provisions and measures implemented by the Informatics DG for the protection of the integrity and confidentiality of the electronic assets of the institution.



The data is not accessible by anyone outside the Competition DG. The original paper files are kept in the State aid Registry within the Competition DG premises. The Registry is accessible only to duly authorised Registry personnel and locked outside of office hours. Access to the Competition DG premises is restricted.

Transfer of information in the State aid file can only occur in very specific circumstances with national courts. The Notice on cooperation between national courts and the Commission in the State aid field allows for certain cases where national courts can ask for information from the Commission. Courts can obtain guidance on procedural issues. They may obtain information from the Commission regarding factual data, statistics, market studies and economic analyses. Where possible, the Commission will communicate these data or will indicate the source from which they can be obtained. In its answer, the Commission will not go into the substance of the individual case or the compatibility of the measure with the common market. Furthermore, the Commission also needs to respect its obligation of professional secrecy. Hence, in view of the limited scope of such cooperation, it seems unlikely that this could entail communication of personal data.

How do we protect and safeguard your information?

In addition to the physical measures outlined above, data may only be processed where necessary for the Commission's EC tasks under Articles 87-89 EC and in conformity with Procedural Regulation 659/1999. The Procedural Regulation, as well as the case-law of the Community Courts set out clear limits to the powers of investigation of the Commission as well as to the use of the information.

Information covered by the obligation of professional secrecy may not be disclosed. [Commission communication C\(2003\) 4582](#) of 1 December 2003 on professional secrecy in State aid decisions (OJ C 297, 9.12.2003, p. 6-9) clarifies the nature of this obligation and the procedure to be followed.

How can you verify the accuracy of your personal data and, if necessary, correct it?

You have no direct access to data stored. If you wish to modify or delete any of your data which is stored on your behalf by the responsible controller, please send a message to the following contact mailbox: comp-data-protection@ec.europa.eu giving the details of your request.

How long do we keep your data?

The Competition DG conserves competition files until closure of the case which is necessary for sound procedure. The electronic file is closed in the case management application and remains in principle accessible to the Competition DG staff. As regards paper files in State aid cases, the Registry retains the original files. At some stage, the State aid registry sends the files to the historical archives for permanent conservation. This is necessary in order to comply with the Commission's general obligation to preserve the documents that it has obtained within the exercise of its duties and which relate to Community activities.



Contact Information

Should you have any question or request concerning the information submitted or on your rights, feel free to contact the Data Protection Coordinator of the Competition DG by sending an email message to the following contact mailbox: comp-data-protection@ec.europa.eu or contact the Commission's Data Protection Officer by sending an email message to data-protection-officer@ec.europa.eu.

Recourse

Complaints, in case of conflict, can be addressed to the European Data Protection Supervisor. All details can be found on the following website <http://www.edps.europa.eu/EDPSWEB/>