

PROTECTION OF YOUR PERSONAL DATA
DECLARE-NAGOYA

1. Introduction

This privacy statement explains the reason for the processing, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you may exercise in relation to your data (the right to access, rectify, block etc.).

The European institutions are committed to protecting and respecting your privacy. As this service/application collects and further processes personal data, Regulation (EC) N°45/2001¹, 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, is applicable.

DECLARE-NAGOYA is a web-based application implementing Regulation (EU) 511/2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable sharing of Benefits Arising from their Utilisation in the Union, and the complementing Commission Implementing Regulation (EU) 2015/1866 as regards the register of collections, monitoring user compliance and best practices.

The relevant processing operations are under the responsibility of the Head of the Unit ENV.F3 (Multilateral Environmental Co-operations), Directorate General Environment (ENV), acting as the Controller. Unit ENV.F3 grants access rights to Member States' authorities. Member States' authorities then grant access rights to users of genetic resources (established in a given Member State), upon request for registration. Once the account access is granted, genetic resources users can provide the policy domain data in the system; these data submitted is further verified by the competent authorities in a Member State where the user is established. Subsequently, the publishing authority in that Member State (part of national administration) transfers part A of the declaration (see the Commission Implementing Regulation 2015/1866) to ABS Clearing House, when information is not confidential. In addition, also competent authorities of other relevant Member States² have access to non-confidential information.

In summary, the users of the DECLARE application are the users of genetic resources (organizations and individuals), and national administration in Member States (competent authorities and publishing authorities) in a Member State where the user is established and in other relevant Member States. The system is administered by the European Commission. Consequently four access levels are available: one for users of genetic resources (organizations and individuals), one for national authorities in a Member State where the user is established (who grant access to the system to genetic resources users, verify due diligence declaration and transfer the declarations to the ABS Clearing House), one for national authorities from relevant other Member States (who have access to non-confidential information) and another for administrators in DG ENV unit F.3 (staff of the European Commission or under contract with the European Commission). Administrators have access to data concerning all accounts but not to confidential data.

¹ [Regulation \(EC\) N° 45/2001](#) (OJ L8 of 12/01/2001).

² Member States where utilisation took place or where product developed via utilisation of genetic resources has been put on the market.

2. Why do we process your data?

Purpose of the processing operation: DG ENV.F3 (referred to hereafter as Data Controller) collects and uses your personal information to ensure proper communication and transfer of information between the users of genetic resources, the competent authorities in the EU and the competent national authorities in the providing country – if essential data is not confidential - via the ABS Clearing House. The historical tracks of data provided and audit logs of actions performed in the system are also kept.

Regulation 511/2014 was established to implement compliance measures of the Nagoya Protocol, thus to monitor compliance of genetic resources users with the requirements of the country providing genetic resources.

At international level, ABS Clearing House is a platform for exchange of information between various parties to the Protocol. Certain information is required to be put on the ABS Clearing House (ABS CH). Among other, the so-called checkpoint communiqué is required to be published on the ABS CH. Checkpoint communiqué contains information on utilisation of genetic resources.

In the EU, due diligence declarations required based on Article 7(1)-(2) of the Regulation 511/2014 contain information turned into checkpoint communiqué. Annex II and III of the Commission Implementing Regulation 2015/1866 provide for detailed templates of due diligence declarations (information from part A is transferred to the ABS CH).

The processing operations on personal data are necessary and lawful pursuant to Article 5 (a) of Regulation 45/2001.

Articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)" are not applicable.

3. Which data do we collect and process?

In general, information is collected about the policy domain (information on which genetic resources were utilised, when and where they were accessed, information about access permit granted and establishment of mutually agreed terms, information on Member States where the utilisation has taken place, and Member States where the product developed via utilisation of the genetic resources is put on the market). This information is provided by a genetic resource user. In addition, information about the users of the genetic resources is also collected.

In addition, information about the users of the genetic resources and about people in Member States' administration acting as competent authorities and publishing authorities for the purpose of ABSCH is also collected. Both for genetic resources users and Member States' administration, the personal data collected and further processed are only professional contact details: first name, last name, account data, e-mails, phone numbers and logging information.

If the user is an individual person (not organisation), data collected includes personal data: first name, last name, e-mail, phone number and logging information.

In some testing scenarios or reproduction of exceptional error events, data may be temporarily copied and used in separate internal system. This is strictly to ensure the maintenance/proper functioning of the database.

The data fields used for testing purposes are: first name, last name, account data, e-mails, phone numbers and logging information.

The personal data used is deleted after the testing.

4. How long do we keep your data?

DG ENV.F3 only keeps the data until it is changed by the user or the account is being terminated.

5. How do we protect your data?

All data in electronic format (e-mails, documents, uploaded batches of data etc.) are stored on the servers of the European Commission; the operations of which abide by the European Commission's security decision of 16 August 2006 [C(2006) 3602] concerning the security of information systems used by the European Commission.

The access to the system is protected by an EU Login account and its password. Users have got access only to data concerning their own account or to general information.

Three access levels are available: one for users, one for national authorities who verify the due diligence declaration and another for administrators in Unit ENV.F.3 (staff of the European Commission or under contract with the European Commission). Administrators have access to data concerning all accounts but not to confidential data.

Commission contractors working in our premises or infrastructure 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 Directive 95/46/CE. The applicable national regulatory framework can be found here:

http://ec.europa.eu/justice/data-protection/law/status-implementation/index_en.htm

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

Access to user's data is provided to authorised staff working in the Commission and in the Member States authorities according to the "need to know" principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

The personal data collected by DECLARE-NAGOYA is accessible by the designated officials of the European Commission (or people working under contract with the European Commission) in charge of the administration of the database. The personal data of users is also accessible by the designated officials of competent authorities to whom the declaration is submitted. Otherwise the personal data is only accessible by the corresponding user or members of the same organisation. In line with the objective of the Regulation, certain part of the personal data will be forwarded to ABS Clearing House and hence available to public. This concerns situations where a due diligence declaration is submitted by an individual person (and not by an organization, so a company or research institute), and where PIC was granted to an individual person (and not to an organization). In both cases, the personal data are also accessible in DECLARE by the competent national authorities in Member States where the utilisation of genetic resources has taken place and Member States where the product developed via utilisation of genetic resources has been put on the market and where PIC was granted to an individual person (and not to an organization).

Access to personal data of Member States authorities is provided only to authorised staff working in the Commission according to the “need to know” principle. Such staff abide by statutory, and when required, additional confidentiality agreements. This means that the personal data collected by DECLARE-NAGOYA about MS authorities is accessible only by the designated officials of the European Commission (or people working under contract with the European Commission) in charge of the administration of the database.

7. What are your rights and how can you exercise them?

According to Regulation (EC) n°45/2001, you are entitled to access directly your personal data and modify it in case the data is inaccurate or incomplete.

Officials of the European Commission who have administrator rights can verify the personal data and enable/disable access to DECLARE-NAGOYA. If an account is terminated, the account is not removed but its corresponding personal data is anonymized. Personal data remain in historical tracks and archived audit logs.

You can exercise your rights also by contacting the data controller, or in case of conflict the Data Protection Officer and if necessary the European Data Protection Supervisor using the contact information given at point 8 below.

8. Contact information

If you have comments or questions, any concerns or a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller using the following contact information:

The Data Controller:

European Commission
Directorate General Environment Unit F3
B - 1049 Brussels
Belgium
E-mail: env-declare-nagoya@ec.europa.eu

Internet:

http://ec.europa.eu/environment/nature/biodiversity/international/abs/legislation_en.htm

For more information and for an explanation on the possibilities of appeal in case of conflict please see: http://europa.eu/geninfo/legal_notices_en.htm

The Data Protection Officer (DPO) of the Commission: DATA-PROTECTION-OFFICER@ec.europa.eu

The European Data Protection Supervisor (EDPS): edps@edps.europa.eu.

9. Where to find more detailed information?

The Commission Data Protection Officer publishes the register of all operations processing personal data. You can access the register on the following link: <http://ec.europa.eu/dpo-register>

This specific processing has been notified to the DPO with the following reference: DPO-3894