



EUROPEAN COMMISSION

## PROTECTION OF YOUR PERSONAL DATA

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

**Processing operation:** Internal Market Information System

**Data Controller:** European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, Unit E.4 – Promoting compliance (hereinafter “DG GROW Unit E.4”)

**Record reference:** DPR-EC-00373

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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.

The information in relation to processing operation ‘Internal Market Information System’ undertaken by the Data Controller is presented below.

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

The objective of the 'Internal Market Information System' (IMI) is to improve the functioning of the Single Market by facilitating administrative cooperation and mutual assistance between Member States. It does so by providing a reliable tool for the secure exchange of information (including certain personal data) between national administrations of the EEA Member States and, where provided for in applicable Union acts, the Commission, Union bodies, offices and agencies. IMI operates based on the [Regulation \(EU\) 1024/2012](#) (the IMI Regulation) and may be used for administrative cooperation in areas listed in the Annex to the IMI Regulation and for pilot projects (Article 4 of the IMI Regulation). Information is exchanged in a structured manner, following procedures and workflows established in advance and, in most cases, on the basis of pre-translated questions and answers.

This privacy statement covers the part of IMI for which the Commission (Data Controller) is responsible, i.e.:

- a) Ensuring the security, availability, maintenance and development of the software and IT infrastructure for IMI;
- b) The collection of personal data and registration of users of the Commission, Union bodies, offices and agencies and national IMI Coordinators, as well as the storage and deletion of personal data of all IMI users;
- c) The storage, blocking, deletion, and (in some specific cases, upon request from competent authorities) retrieval, of personal data of persons who are the subject of an information exchange, but not the collection or viewing of such personal data.

Thus, this privacy statement does not concern those data processing activities performed by Member States according to Article 7(3) of the IMI Regulation.

The Commission processes and protects personal data in IMI as prescribed in Chapters II to V of the IMI Regulation.

### Purpose of the processing

- I. The Commission needs to have access to contact details of IMI **users** in order to cooperate effectively with the Member States on the management of IMI. These contact details may be processed by the Commission for purposes compatible with the IMI Regulation, including monitoring of the use of the system by IMI coordinators and the Commission, communication, training and awareness-raising initiatives, and gathering information on administrative cooperation or mutual assistance in the Internal Market.
- II. With regard to the temporary storage of personal data of persons who are the **subject of an information exchange** between national authorities, the purpose of data processing in IMI is to support administrative cooperation amongst Member State competent authorities on the basis of EU legislation in the field of the Internal Market, listed in the Annex to the IMI Regulation or subject to a pilot project under Article 4 of the IMI Regulation.

Data will not be used for any automated decision-making, including profiling or for direct marketing.

### **3. On what legal ground(s) do we process your personal data?**

We process your personal data to comply with a legal obligation to which the controller is subject (Article 5(1)(b) of Regulation (EU) 2018/1725) according to Articles 3, 4 and 8 and the Annex to Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation').

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

In order to carry out this processing operation, the Commission processes the following categories of personal data:

- contact details of IMI users: name, professional telephone, fax numbers, name of organisation and e-mail addresses. We obtain contact details from the data subject or from his/her organisation.
- personal data of persons who are the subject of an information exchange: types of data are determined by the applicable Internal Market EU legislation. The Commission, has no need to access those data, which are stored on the Commission servers, except where required by a provision of a Union act listed in the annex or subject to a pilot project under Article 4 of the IMI Regulation.

### **5. How long do we keep your personal data?**

We only keep personal data for the time necessary to fulfil the abovementioned purposes.

I. Personal data of IMI users (staff working for the competent authorities) will be stored as long as they continue to be users of IMI. When natural persons cease to be IMI users, their personal data shall be blocked (i.e. made inaccessible via the normal interface of IMI by technical means) for a period of 3 years. These data may only be processed for purposes of proof of an information exchange and will be deleted at the end of the three-year period.

II. Personal data of persons who are the subjects of an information exchange are retained according to the rules set out in the relevant Union act. Where retention periods are not specified in the Union act, personal data are blocked 6 months after the formal closure of the administrative cooperation procedure. The blocked data is inaccessible to IMI users and is automatically deleted 3 years after the formal closure of the administrative procedure. Anonymous information concerning the procedure will continue to be kept in IMI for statistical purposes.

### **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 on the servers of the European Commission.

The Commission ensures that IMI complies with the requirements applicable to all Commission IT systems as set out in [Commission Decision \(EU/Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

In order to protect personal data, the Commission has put in place a number of technical and organisational measures. 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.

In addition, each IMI user must implement organizational security measures applicable to the processing of personal data in accordance with national legislation. In particular, appropriate security measures must be applied to personal data extracted from and further processed outside IMI (e.g. in a printed report or otherwise archived outside IMI).

## **7. Who has access to your personal data and to whom is it disclosed?**

Access to your personal data, as an IMI user, is provided to the Commission staff responsible for carrying out this processing operation and to authorised staff from Member States according to the “need to know” principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

The Commission supplies and manages the software and IT infrastructure for IMI, ensures the security of IMI, manages the network of national IMI coordinators and is involved in the training of and technical assistance to IMI users. The Commission only has access to such personal data that are strictly necessary to carry out its tasks set out in the IMI Regulation.

Within the limits of Article 15 of the IMI Regulation, members of the Commission’s IMI team have access to the personal data of the IMI users.

In principle, Commission staff have no access to personal data of the person who is the subject of an information exchange (the 'exchange data subject'), except where a legal act supported by IMI provides for a role for the Commission. However, for technical reasons, members of the Commission’s IMI team may need to process personal data of a data subject in order to:

- retrieve, upon request from a competent authority, personal data which have been blocked and in respect of which the data subject has exercised his/her right of access, correction or deletion;
- delete personal data from IMI before the expiry of the normal retention period, on a case-by-case basis, at the express request of a competent authority involved in the administrative cooperation procedure and provided that the individual concerned has given his/her consent.

The personal data contained in IMI will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

## **8. What are your rights and how can you exercise them?**

As an IMI user or the data subject of an information exchange, you have specific rights under Articles 14 to 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.

- I. As an IMI user, you can exercise your rights by contacting the Commission, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Contact information is given under Heading 9 below.

Any request for access to personal data will be handled within one month. Any other request mentioned above will be addressed within 15 working days.

- II. If you believe that you are the data subject of an information exchange in IMI and you would like to have access to your personal data or have it deleted or rectified, you may do so by contacting the administration or the professional body with which you had contacts or any other IMI user that was involved in the administrative cooperation procedure concerning you.

If you are not satisfied with the answer received, you may either contact another IMI user involved or lodge a complaint with your data protection authority. A list of data protection authorities is available at the following address:

[http://ec.europa.eu/justice/data-protection/bodies/authorities/index\\_en.htm](http://ec.europa.eu/justice/data-protection/bodies/authorities/index_en.htm)

Please be aware that in some cases national or EU law may contain exceptions to your right to have access to your personal data, or to have them corrected or deleted.

Where you wish to exercise your rights in the context of 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, 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, you may contact the Data Controller:

European Commission, Directorate - General for Internal Market, Industry, Entrepreneurship and SMEs, DG GROW Unit E.4 – Promoting compliance - E-mail: [GROW-IMI@ec.europa.eu](mailto:GROW-IMI@ec.europa.eu).

### **The Data Protection Officer (DPO) of the Commission**

In case of disagreement with the Data Controller, you may contact the Data Protection Officer ([DATA-PROTECTION-OFFICER@ec.europa.eu](mailto: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](mailto:edps@edps.europa.eu) or [https://edps.europa.eu/data-protection/our-role-supervisor/complaints\\_en](https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en)) 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 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-00373.