



## RECORD OF A PERSONAL DATA PROCESSING ACTIVITY

according to Article 31 of [Regulation \(EU\) 2018/1725](#)

Title
<b>Handling of requests for Public Access to Documents (PAD)</b>

1) Controller(s) of data processing activity (Article 31.1(a))
EFSA unit in charge of the processing activity: The Legal Affairs Services Unit (LA) who can be contacted on this matter at <a href="mailto:EFSA.public.access.to.documents@efsa.europa.eu">EFSA.public.access.to.documents@efsa.europa.eu</a> EFSA Data Protection Officer (DPO): <a href="mailto:DataProtectionOfficer@efsa.europa.eu">DataProtectionOfficer@efsa.europa.eu</a> Is EFSA a co-controller? <b>No</b> <b>If yes</b> , indicate who is EFSA's co-controller:

2) Who is actually conducting the processing? (Article 31.1(a))
The data is processed by EFSA itself <input checked="" type="checkbox"/> <i>Indicate the EFSA units or teams involved in the data processing:</i> <ul style="list-style-type: none"><li>- The dedicated team of LA Unit in charge of the centralised follow-up to PAD requests</li><li>- EFSA units &amp; teams competent in the subject matter of incoming PAD requests</li></ul> The processing operation is conducted together with an external party <input type="checkbox"/> <i>Please provide below details on the external involvement:</i>

3) Purpose of the processing (Article 31.1(b))
The purpose of the data processing at EFSA is to apply the rules and principles concerning disclosure of personal data in the context of public access to documents case handling in accordance with Regulation (EC) N° 1049/2001 and taking account of the settled case-law of the European Court of Justice. Special attention is drawn to Article 9(1) and Article 23 of Regulation (EU) 2018/1725 respectively concerning: <ul style="list-style-type: none"><li>- transmissions of personal data to recipients established in the Union ;</li><li>- the data subject's right to object to processing their data (<i>in casu</i> the disclosure in the context of a PAD request) on grounds related to his or her particular situation.</li></ul>

4) Legal basis and lawfulness of the processing (Article 5(a)-(d)):
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<i>Processing necessary for:</i>	
(a) a task carried out in the public interest or in the exercise of official authority vested in EFSA	<input checked="" type="checkbox"/>
(b) compliance with a legal obligation to which EFSA is subject	<input checked="" type="checkbox"/>
(c) performance of a contract with the data subject or to prepare such contract	<input type="checkbox"/>
(d) The data subject has given consent (ex ante, explicit, informed)	<input type="checkbox"/>

*Further details on the legal basis:*

- Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, applicable to EFSA;
- The EFSA Founding Regulation (EC) No 178/2002, particularly Article 38 (Transparency) and Article 41 (Access to documents) thereof;
- Decision of the Management Board laying down practical arrangements for implementing Regulation (EC) No 1049/2001 and articles 6 and 7 of Regulation (EC) No 1367/2006, of 27/03/2020.

<b>5) Description of the categories of data subjects (Article 31.1(c))</b>	
<i>Whose personal data are processed?</i>	
EFSA statutory staff	<input checked="" type="checkbox"/>
Other individuals working for EFSA (consultants, trainees, interims, experts)	<input checked="" type="checkbox"/>
Stakeholders of EFSA, including Member State representatives	<input checked="" type="checkbox"/>
Contractors of EFSA providing goods and services	<input type="checkbox"/>
The general public, including visitors, correspondents, enquirers	<input type="checkbox"/>
Relatives of the data subject	<input type="checkbox"/>
Other categories of data subjects (please detail below)	<input checked="" type="checkbox"/>

*Further details concerning the data subjects whose data are processed:*

Any person identifiable from a document in the possession of EFSA as far as the document falls within the scope of a PAD request in the sense of Regulation (EC) N° 1049/2001. Broad categories of data subjects may be at issue, including (*non-exhaustive list*):

- All categories of external scientific experts member of the EFSA Scientific Committee, EFSA scientific panels, working groups, networks, other categories of external experts involved in EFSA operations ;
- Members of EFSA governance bodies, such as the EFSA Management Board, the EFSA Advisory Forum, the Executive Director and EFSA statutory staff including, officials, temporary agents, contract agents and seconded national experts ;
- Persons identifiable from application dossiers for the authorisation of food substances and/or submitted to EFSA in the context of regulatory food/feed safety authorisation processes within EFSA's remit.

## 6) Type of personal data processed (Article 31.1(c))

### a) General personal data

The personal data concerns:

Name, contact details and affiliation	<input checked="" type="checkbox"/>
Details on education, expertise, profession of the person	<input checked="" type="checkbox"/>
Curriculum vitae	<input checked="" type="checkbox"/>
Financial details	<input type="checkbox"/>
Family, lifestyle and social circumstances	<input type="checkbox"/>
Goods and services the person provides	<input type="checkbox"/>
Other personal data (please detail):	<input type="checkbox"/>

### b) Sensitive personal data (Article 10)

The personal data reveals:

Racial or ethnic origin of the person	<input type="checkbox"/>
Political opinions or trade union membership	<input type="checkbox"/>
Religious or philosophical beliefs	<input type="checkbox"/>
Health data or genetic or biometric data	<input type="checkbox"/>
Information regarding the person's sex life or sexual orientation	<input type="checkbox"/>

#### *Further details concerning the personal data processed:*

Any information relating to an identified or identifiable person contained in documents in EFSA's possession for which public access is requested in the sense of Regulation (EC) N° 1049/2001. A distinction can be made as follows:

- Documents with incidental inclusion of personal data, not intended to collect personal data. In the context of PAD handling and without prejudice to the application of other exceptions to disclosure mentioned in Article 4 of Regulation 1049/2001, *ex ante* sanitisation of personal data is usually applied (partial access). Examples: scientific application dossiers submitted in the context of regulatory authorisation processes of EFSA, scientific opinions and outputs of EFSA, including draft versions, correspondence including e-mails after masking names and signatures ;
- 'Personal data documents', having as their intrinsic goal to collect personal data. Some typical examples frequently dealt with in the context of PAD follow-up: meeting minutes, declarations of interests (DoIs) from scientific experts or other persons in EFSA's remit. EFSA has established proactive publication policies for some 'personal data documents', in application of the transparency principle in Article 38 of EFSA's Founding Regulation (EC) N° 178/2002 as amended by Regulation (EU) 2019/1381.

7) Recipients of the data (Article 31.1(d))	
Line managers of the data subject	<input type="checkbox"/>
Designated EFSA staff members	<input checked="" type="checkbox"/>
Other recipients ( <i>please specify</i> ):	<input checked="" type="checkbox"/>
Recipients of the personal data of the requester for public access:	
<ul style="list-style-type: none"> <li>- EFSA Units and Departments in charge of the subject matter of an incoming PAD request, contacted on a need basis by the LA Unit case handlers.</li> <li>- The Executive Director who adopts decisions on confirmatory PAD requests</li> </ul>	
Recipient of personal data contained in released documents:	
<ul style="list-style-type: none"> <li>- The requester for public access to documents</li> </ul>	

8) Transfers to recipients outside the EEA (Article 31.1 (e))	
Data are transferred to third country recipients:	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>If yes</b> , specify to which third country:	
<b>If yes</b> , specify under which safeguards:	
Adequacy Decision of the European Commission	<input type="checkbox"/>
Standard Contractual Clauses	<input checked="" type="checkbox"/>
Binding Corporate Rules	<input type="checkbox"/>
Memorandum of Understanding between public authorities	<input type="checkbox"/>
<p>The provision of the Salesforce CRM services supporting the PAD handling process, may entail the transfer of data outside the European Union, by Salesforce, its affiliates or its sub-processors. A '<a href="#">Data Processing Addendum</a>' (DPA) forms part of EFSA's subscription to the Salesforce CRM (see below point 9), providing for 'Standard Contractual Clauses' as an Annex to it. The Salesforce DPA with SCC annex is considered to provide an appropriate safeguard for the data transfers in accordance with Article 48(2)(b) of Regulation (EU) 2018/1725.</p>	

9) Technical and organisational security measures (Article 31.1(g))	
<i>How is the data stored?</i>	
On EFSA's Document Management System (DMS)	<input checked="" type="checkbox"/>

On a shared EFSA network drive or in an Outlook folder	<input checked="" type="checkbox"/>
In a paper file	<input type="checkbox"/>
Using a cloud computing solution (please detail the service provider and main characteristics of the cloud solution, e.g. public, private)	<input checked="" type="checkbox"/>
On servers of an external service provider	<input type="checkbox"/>
On servers of the European Commission or of another EU Institution	<input type="checkbox"/>
In another way ( <i>please specify</i> ):	<input type="checkbox"/>

*Please provide some general information on the security measures applied:*

PAD requests to EFSA are to be submitted and are handled by means of EFSA's Relationship Management system 'Connect.EFSA' based on the cloud-based (SaaS) platform provided by <https://www.salesforce.com/> CRM software. A data protection compliance check has been carried out based on the contract documents of the Salesforce service provider. Overall, the Salesforce contract terms and conditions show a good level of compliance with data protection rules and principles (GDPR). Also a Security Plan on Salesforce is available. Salesforce data centres for storage of EFSA data are located in Germany and France. There are no systematic data transfers outside the European Economic Area. The CRM customisation based on Salesforce interfaces with other technology building blocks supporting the risk assessment process of EFSA.

**10) Retention period (Article 4.1 (e))**

PAD requests are kept for a period of 10 years in EFSA files after the completion of follow-up.

**11) Consultation with the Information Security Officer**

Was the ISO consulted on the processing operation ?  
 Yes  No

*If yes, please provide some details on the consultation with the ISO:*

The ISO has been consulted on the Salesforce CRM tool *inter alia* supporting the PAD process of EFSA and a Security Plan on Salesforce is available.

**12) Information given to data subjects (Articles 15 and 16)**

*Has information been provided to data subjects on the way their data is processed including how they can exercise their rights (access, rectification, objection, data portability)? Usually this information is provided in a Privacy Statement, specifying the controller's contact details. As possible, please provide a link to the relevant Privacy Statement or a description.*

A general privacy statement on the 'Connect.EFSA' CRM tool, as well as specific statement on the PAD use case is available in the entry point to the tool on the EFSA website -

<https://connect.efsa.europa.eu/RM/s/termofuse>

Data subjects can exercise their rights at any time by contacting the Head of LA Unit.

Last update of this record: 03/08/2021

Reference: DPO/GOV/3