

DATA PROTECTION NOTICE – Access to documents requests- PO-6-02

Access to documents requests involves processing of personal data, which shall comply with Regulation (EU) N° 2018/1725¹ (the “Regulation”).

This data protection notice explains how the Europe’s Rail Joint Undertaking (here after referred to as EU-RAIL) uses any information you give to us, and the way we protect your privacy. Furthermore, it describes the rights you have as a data subject and how you can exercise these rights.

EU-RAIL protects the fundamental rights and freedoms of natural persons and in particular their right to privacy with respect to the processing of personal data.

We provide the following information based on Article 15 of the Regulation

What is the purpose of the processing?

The purpose of the processing is to ensure the appropriate handling of requests for access to documents under [Regulation 1049/2001](#) by EU-RAIL.

Short description of the processing operation

- Receipt of the request through different channels, most common through general mailbox but also by [EU-RAIL contact form](#) page
 - Analysis whether a queing system - processing of multiple requests from same requester will be processed one after the other - needs to be applied
 - Sending an acknowledgement of receipt to the applicant
 - Analysis of the request, including defining the scope, assessing possible disclosure of documents originating from EU-RAIL or third parties; consultation with third parties, assessing public access to personal data contained in documents
 - Taking a decision on the request
 - Informing the applicant of the decision to disclose or to refuse the disclosure of documents or information
 - Possible receipt of a confirmatory request
 - Analysis of the confirmatory request
 - Taking a decision on the confirmatory request;
- Informing the applicant of the decision on the confirmatory request.

Which personal data do we process?

- Name and contact details of the person requesting the documents;
- Any personal data contained in documents and files covered by the scope of the request;

¹ Regulation (EU) N° 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (“EUDPR”).



In case it is necessary to authenticate the identity of the requester to establish the eligibility for access to documents under Article 2(1) of the Regulation 1049/2001, a proof of identification could be requested. The requester will be informed that only a limited amount of personal data will be processed in this context. For example, if a copy of an ID card or passport or other document would be provided, the only personal details that should be visible are: full name, the issuing authority, the nationality, and the expiry date. Personal data such as photo, serial-number, and personal characteristics can be blacked out on the copy. EU-RAIL' use of the information provided in this context is strictly limited: the personal data provided will only be used to verify the requester's identity and will not be stored for longer than needed for this purpose.

Why do we process your personal data and under what legal basis?

[Regulation 1049/2001](#) of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents

Who is the controller and other actors involved in the processing?

Controller: The Europe's Rail Joint Undertaking legally represented by the Executive Director (executivedirector@rail-research.europa.eu) , White Atrium building – 2nd floor, 56-60 Avenue de la Toison d'Or 1060 St Gilles, Bruxelles

No processors of this personal data are involved.

How is EU-RAIL processing the personal data?

See the EU-RAIL [Data Protection & Legal Notices](#) web page for more information.

How do we protect and safeguard your information?

- Access control and technical measures such as physical locks and/or secure connections and firewalls
- Limited EU-RAIL staff dealing with this processing operation is designated on a need-to-know basis

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

- EU-RAIL staff
- Personal data submitted by the applicants or parts of it maybe be shared with the Union institution or body concerned, should EU-RAIL need to carry out a consultation process with another Union institution or body.



What are your rights and how can you exercise them?

You have the right of access to your personal data and to relevant information concerning how we use it. You have the right to rectify your personal data. Under certain conditions, you have the right to ask that we delete your personal data or restrict its use. You have the right to object to our processing of your personal data, on grounds relating to your particular situation, at any time. In addition, you have the right not to be subject to a decision based solely on automated processing of data, including profiling, if such decision has legal effect on him or her, except for certain situations, such as entering into a contract (as required by articles 14-16 & 24 of EU DPR Regulation).

Information on action taken on the data subject's request to exercise her/his rights shall be provided without undue delay and in any case within one month of receipt of the request. In case of complex or voluminous requests, this period may be extended by another two months, in which case the JU will inform the data subject.

In case data subjects wish to exercise their rights, they should send an email to the EU-RAIL Data Protection Officer at Data-Protection@rail-research.europa.eu

How to withdraw your consent and the consequences of doing this

Data subjects have the right to withdraw their consent at any time by sending a written request to the above-mentioned email address. Please note that withdrawing your consent does not affect the lawfulness of any processing based on your consent before this consent is withdrawn.

Possible restrictions as laid down in Article 25 of the EU DPR Regulation can apply.

How long is the data retained?

- The file will be stored by EU-RAIL for a maximum of **five years** after the closure of the case, or as long as or if EU-RAIL is under a legal obligation to do so.
- In case authentication of the requester is necessary, the copy of the document provided will only be processed during the time necessary to establish the identity of the requester. Afterwards, the copy of will be erased.

Complaints, concerns and recourse

Should you have any complaint or concern you may contact the Data Protection Officer of the Europe's Rail Joint Undertaking at Data-Protection@rail-research.europa.eu

In addition, as a data subject, you have a right to recourse to the European Data Protection Supervisor (EDPS) at any time by e-mail to edps@edps.europa.eu or a letter to the EDPS postal address marked for the attention of the EDPS DPO:

European Data Protection Supervisor, Rue Wiertz 60, B-1047 Brussels, Belgium

For more information on the EDPS, please consult their website: <https://edps.europa>

Additional information

More information on Data Protection at the Europe's Rail Undertaking can be obtained in the EU Rail [Data Protection Register](#) and in the [privacy notices](#) published in the EU-Rail web site.