

## **PROTECTION OF YOUR PERSONAL DATA**

### **TRON**

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#### **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 (EU) 2018/1725<sup>1</sup> 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 and bodies and on the free movement of such data, is applicable.

This statement refers to the processing of personal data in the TRON application in the context of Trade Defence investigations (anti-dumping, anti-subsidy, safeguards) carried out by the European Commission's Directorate General for TRADE (DG TRADE). The processing occurs under the responsibility of Directorate H of DG TRADE, acting as the Controller.

TRON has three main functionalities:

- Web Consultation: remote consultation of the file open for consultation by interested parties (the "open file");
- Web Notification: communication from the Commission to interested parties of documents (open and limited) pertaining to a proceeding;
- Web Submission: submission of documents (open and limited) by interested parties in a proceeding (in development – to be launched at a later date).

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<sup>1</sup> 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L295, 21.11.2018, p.39.

## **2. Why do we process your data?**

Purpose of the processing operation: Directorate H of DG TRADE, represented by its Director, (referred to hereafter as Data Controller) collects and uses your personal information to enable the relevant case team to communicate with all interested parties.

Trade defence instruments (anti-dumping, anti-subsidy and safeguards, hereinafter 'TDI') aim at ensuring a level playing field between domestic and foreign producers based on genuine competitive advantages.

In the context of the various stages of a TDI investigation (e.g. submission of a complaint, response to a questionnaire, submissions and observations), companies that are subject to the investigation as well as other parties may submit information relating to individuals. Examples are name, position and contact details (physical and e-mail address, telephone and fax number).

Those details are used for the production of mailing lists to enable the relevant case team to communicate with all interested parties in an investigation rapidly and efficiently within the mandatory deadlines foreseen in the relevant Regulation<sup>2</sup>.

This personal data is also used to grant access to the files open for inspection by interested parties.

Within this context, you have the rights of access, rectification, right to erasure, to restriction of processing, of notification in case of rectification or erasure or restriction of processing and right to data portability. A breach concerning your personal data shall be communicated to you under certain circumstances. The institution shall also ensure the confidentiality of electronic communications.

Nevertheless, you should be informed that by virtue of Article 25 of Regulation (EU) 2018/1725 and of the Internal Rules laid down under Commission Decision (EU) 2018/1996<sup>3</sup>, one or several of these rights may be restricted for a temporary period of time *inter alia* on the grounds of general public, economic or financial interest of the EU. Any such restriction will be limited in time, proportionate and respect the essence of the above-mentioned rights. It will be lifted as soon as the circumstances justifying the restriction are no longer applicable.

As a general rule you will be informed on the principal reasons for a restriction unless this information would cancel the effect of the restriction as such.

You have the right to make a complaint to the European Data Protection Supervisor concerning the scope of the restriction.

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<sup>2</sup> Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union (OJ L 176, 30.6.2016, p.21)

Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union (OJ L 176, 30.6.2016,p.55)

Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports (OJ L 83, 27.3.2015, p. 16)

Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries (OJ L 123, 19.5.2015, p. 33)

<sup>3</sup> OJ L 320, 17.12.2018, p. 40

### **3. Which data do we collect and process?**

Regarding external data subjects the following information is collected and processed in a structured manner (i.e. in database format):

- Title (Mr/Ms), first name, last name
- Email address,
- Organisation incl. business address,
- Function in the organisation,
- Phone and fax number,
- the login used to connect to TRON.

Data subjects are associated in a structured way to documents where they are sender or recipient.

Personal information can also appear in an unstructured manner in the body of documents. For example, names of data subjects can appear in power of attorneys, in email exchanges (as sender, recipient or signatory) or in questionnaire replies (as contact persons).

TRON maintains a history of actions performed by external end users where the date and time of important user actions (user sign in, consultation of documents, consultation of indexes, bulk downloads of documents) are stored.

### **4. How long do we keep your data?**

The data controller only keeps the data for the time necessary to fulfil the purpose of collection or further processing.

The electronic file is kept in the electronic filing system and remains accessible to DG TRADE/H staff. 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 EU activities. The Commission is under obligations to make the documents in its files accessible, with certain limitations. The Commission is also bound to preserve documents under the rules on document management (Commission's internal Rule of Procedure) and on archives (the Historical Archives Regulation). DG TRADE's retention policy of TDI files should be seen in the broader context of the archiving policy of the Commission.

### **5. How do we protect your data?**

All data in electronic format (e-mails, documents, uploaded batches of data etc.) are stored either on the servers of the European Commission or of its contractors; 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 Commission's contractors 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 Regulation (EU) 2018/1725.

Inside the Commission, access is granted on a need-to-know basis to designated end-users using a username and password.

Access to the open file is granted to interested parties using a login and password managed by the European Commission's "EU Login" authentication service.

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

Access to your data is provided to authorised Commission staff (case team and hierarchy), to the Hearing Officer of DG Trade and also the Private Office of the Trade Commissioner according to the “need to know” principle. Commission staff abide by statutory, and when required, additional confidentiality agreements.

Access to the open file is granted to external interested parties in order to guarantee the right of defence as governed by the Regulation relevant to each type of investigation.

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

According to Regulation (EU) 2018/1725, you are entitled to access your personal data and rectify and/or block it in case the data is inaccurate or incomplete. You can exercise your rights 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.

After successful sign in to TRON, users can consult their personal data and their own entries in the access log.

A contact point for each ongoing investigation can be found on the TDI webpages: <http://trade.ec.europa.eu/tdi/>. The team in charge of the investigation can provide further information on the data currently stored and amend it upon request.

For investigations that have been completed, please contact the Controller by sending an email.

## **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:

- The Director of Directorate H, DG TRADE
- [TRADE-DIR-H@ec.europa.eu](mailto:TRADE-DIR-H@ec.europa.eu)

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

The European Data Protection Supervisor (EDPS): [edps@edps.europa.eu](mailto: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-3272.