

**AUTHORITY FOR EUROPEAN POLITICAL PARTIES AND
EUROPEAN POLITICAL FOUNDATIONS**

**Decision concerning the implementing rules relating to
Regulation (EU) 2018/1725 of the European Parliament and of the Council 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, except those
implementing rules in relation to the restriction of certain rights of data subjects in
accordance with Article 25 of that Regulation.**

(APPF(2021/0080))

THE AUTHORITY FOR EUROPEAN POLITICAL PARTIES AND EUROPEAN
POLITICAL FOUNDATIONS,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 16 thereof,

Having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council¹,
and in particular Article 45(3) thereof,

Having regard to the Decision of the Director of the Authority for European Political Parties
and European Political Foundations (the “Authority”) of 21 December 2021 concerning the
application of decisions of the European Parliament relating to the Data Protection Officer,

Having regard to the Decision of the Secretary-General of the European Parliament of 8 June
2021 on the Data Protection Coordinator network,

Whereas:

(1) Regulation (EU) 2018/1725 lays down the principles and the rules applicable to the
processing of personal data by all Union institutions and bodies.

(2) The purpose of the implementing rules relating to Regulation (EU) 2018/1725 except those
in relation to the restriction of certain rights of data subjects in accordance with Article 25 of
that Regulation (the “general implementing rules”) is to specify the tasks and duties of the
Authority for European Political Parties and European Political Foundations (the “Authority”) as
set out in that Regulation.

(3) The purpose of the general implementing rules is also to lay down rules and procedures in
relation to the Data Protection Coordinator of the Authority.

¹ 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 L 295, 21.11.2018, p. 39).

(4) The purpose of the general implementing rules is also to lay down procedures which will enable data subjects to exercise their rights and all persons within the Authority who are involved in the processing of personal data to fulfil their obligations.

(5) The general implementing rules should ensure that the Authority duly respects its obligations under Regulation (EU) 2018/1725 without impeding it from duly carrying out its administrative tasks and functions, and in particular registering, controlling and, where appropriate, imposing sanctions on European political parties and European political foundations.

(6) Regulation (EU) 2018/1725 should therefore be interpreted in a way that ensures the ability of the Authority to fully exercise its powers as laid down in Regulation (EU, Euratom) No 1141/2014².

(7) Furthermore, the right to data portability under Article 22 of Regulation (EU) 2018/1725 only applies where the processing is based either on consent or on the need to fulfil a contract and is carried out by automated means. Therefore, that right does not apply to processing carried out in the performance of a task in the public interest based on law and the other grounds for lawfulness in Article 5.

(8) Moreover, as regards the application of the general implementing rules regarding joint controllership of the Authority with other bodies or institutions, or other entities, such joint controllerships should exist only if and to the extent that they are jointly responsible for the same single processing operations, and not where they merely intervene sequentially with thematically proximate but distinct processing operations.

(9) The European Data Protection Supervisor was informed pursuant to Article 41(1) of Regulation (EU) 2018/1725,

HAS ADOPTED THIS DECISION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose

This Decision lays down the general rules governing the implementation of Regulation (EU) 2018/1725 in the Authority for European Political Parties and European Political Foundations (the ‘Authority’) except those in relation to the restriction of certain rights of data subjects in accordance with Article 25 of that Regulation, and in particular:

² Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations (OJ L 317 4.11.2014, p. 1), as amended.

- (a) implements the provisions set out in Regulation (EU) 2018/1725 which relate to the tasks and duties of the Authority as set out in that Regulation, in particular in its capacity as data controller,
- (b) lays down detailed rules and procedures in relation to the Data Protection Coordinator of the Authority,
- (c) lays down detailed rules pursuant to which a data subject may exercise his or her rights.

Article 2

Controller

1. The Authority, represented by the Director, determines the purposes and means of the processing of personal data and therefore acts as controller in respect to those data within the meaning of Article 3(8) of Regulation (EU) 2018/1725.
2. Where the Authority and at least one other entity, including Union Institutions and bodies, determine the purposes and means of a given processing operation, the competent actors shall be considered to be joint controllers within the meaning of Article 28(1) of Regulation (EU) 2018/1725.
3. The controller shall be responsible for ensuring that processing operations are carried out in compliance with Regulation (EU) 2018/1725 and must be able to demonstrate compliance with that Regulation.

In particular, the controller shall be responsible for:

- (a) implementing appropriate technical and organisational measures in view of the application of the data protection by design and by default principles;
- (b) giving the staff under its authority suitable instructions for ensuring that processing is lawful, fair, transparent and confidential and providing an appropriate level of security in view of the risks which processing entails;
- (c) cooperating with the Data Protection Officer and the European Data Protection Supervisor in the performance of its respective duties, in particular by sending information to them in reply to their requests;
- (d) informing and involving in a timely manner the Data Protection Officer notably in projects regarding new data processing operations or significant modifications to existing operations.

Article 3

Data Protection Coordinator

1. A Data Protection Coordinator shall be designated by the Authority. The Data Protection Coordinator liaises with the Data Protection Officer in respect of activities in which personal data are processed by the Authority.

2. The Data Protection Coordinator shall be designated by the Director of the Authority from among officials or members of staff covered by the Conditions of Employment of other Servants of the Union who have already acquired extensive experience in the activity of the Authority or in data protection matters. The designation shall be notified to the Data Protection Officer and to the staff of the Authority.

3. The Data Protection Coordinator shall be chosen on the basis of his or her knowledge and experience of the functioning of the Authority, motivation for the function, competences relating to data protection and information security, understanding of information systems principles and communication skills. The Data Protection Coordinator shall, in that capacity, be accountable directly to the Director. He/she shall remain in charge for a maximum of four years, renewable once.

4. The tasks of the Data Protection Coordinator are as follows:

- inform, on a regular basis, the Director about the implementation of the Regulation within the Authority;
- inform the Data Protection Officer in advance of any new data processing operations that the Authority intends to put in place;
- inform the Data Protection Officer of any significant changes affecting ongoing processing operations, such as the setting up of a new IT application;
- propose practical solutions to the Data Protection Officer to improve data management in the Authority;
- assist the Data Protection Officer in providing trainings, participate in meetings, where applicable in working groups of the Data Protection Officer / Data Protection Coordinator network and the Data Protection Day;
- assist the data controller in preparing the records of processing activities by documenting the processing operation, filling in the risk assessment and where required the Data Protection Impact Assessment (DPIA) and by creating the privacy statements;
- assist the data controller in responding to requests from data subjects or from the European Data Protection Supervisor and, if necessary, cooperate with the Data Protection Officer in these activities;
- under the coordination of the Data Protection Officer, raise awareness on data protection matters within the Authority;
- facilitate contact between data subjects and the Data Protection Officer in the event of complaints, potential abuses or gaps in data management;
- act as a contact point between the Director of the Authority and the Data Protection Officer.

CHAPTER II

EXERCISE OF RIGHTS BY DATA SUBJECTS

Article 4

General rules for the implementation of Articles 14 to 24 of Regulation (EU) 2018/1725

1. The right to be informed, the right of access, the right to rectification, the right to erasure, the right to restriction of processing, the right of recipients to be notified, the right to data portability, the right to object and rights relating to automated decision-making including profiling, as laid down in Articles 14 to 24 of Regulation (EU) 2018/1725, may be exercised only by the data subject or by his or her duly authorised representative.
2. The data subject shall address requests to exercise one of his or her rights referred to in paragraph 1 to the controller. The request shall contain:
 - (a) the name, surname and contact details of the data subject;
 - (b) an indication of the right to be exercised;
 - (c) the address of residence;
 - (d) where necessary, supporting documents relating to the request;
 - (e) the category or categories of the personal data concerned;
 - (f) the data subject's signature and the date of the request.
3. The request may be submitted by internal or external mail, by e-mail or by any other written means.
4. The controller shall ask for any necessary clarifications in relation to the content of the request as set out in paragraph 2 of this Article, particularly where the request is unclear or incomplete. Until final clarification of these matters, the applicable deadline under Article 14(3) and (4) of Regulation (EU) 2018/1725 shall not start to run.
5. The controller shall verify the data subject's identity in accordance with Article 14(6) of Regulation (EU) 2018/1725. During the identity verification period, the applicable deadline under Article 14(3) and (4) of Regulation (EU) 2018/1725 shall not start to run.
6. The controller shall respond to any request by the data subjects to exercise their rights, even in cases in which the Authority does not hold any relevant personal data. An acknowledgement of receipt shall be sent to the data subject within ten working days of the receipt of the request. However, the controller shall not be required to send an acknowledgement of receipt if a substantive reply to the request is provided within the same time limit of ten working days.
7. The reply shall be sent to the data subject, within the deadlines provided for under Article 14(3) and (4) of Regulation (EU) 2018/1725, by the same written means of

communication and in the same official language of the Union used by the data subject, unless otherwise requested by this latter.

8. While processing a request under Article 14 of Regulation (EU) 2018/1725, the controller shall take account of any need to apply an exception, a derogation or a restriction under Chapter IV of this Decision.

9. In the case of a highly complex request, or when the due processing of a request is likely to result in a risk to the rights and freedoms of other data subjects, the controller shall consult the Data Protection Officer.

Article 5

Right to be informed

(Articles 15 and 16 of Regulation (EU) 2018/1725)

In accordance with Article 14 of Regulation (EU) 2018/1725, the controller shall provide the information referred to in Articles 15 and 16 of that Regulation, including when further processing is intended, in generalised form on the internet or the intranet.

Article 6

Right of access

(Article 17 of Regulation (EU) 2018/1725)

Where the data subject makes a request for access to his or her personal data, the controller shall provide a copy of the personal data undergoing processing by the same written means of communication used by the data subject, unless otherwise requested by this latter.

Article 7

Right to rectification

(Article 18 of Regulation (EU) 2018/1725)

1. Requests for rectification shall specify the personal data to be rectified or completed, a demonstration of the inaccuracy or incompleteness of the data and the correction to be made. Where necessary, a request shall be accompanied by supporting documents.

2. The data subject shall be notified of the successful rectification. In the case of the rejection of the request, the controller shall inform the data subject in writing about the reasons thereof.

Article 8

Right to erasure

(Article 19 of Regulation (EU) 2018/1725)

1. Requests for erasure shall specify the personal data to be erased and indicate the grounds for erasure within the meaning of Article 19 (1) of Regulation (EU) 2018/1725.
2. The data subject shall be notified of the successful erasure. In the case of the rejection of the request, the controller shall inform the data subject in writing about the reasons thereof.
3. Erasure entails the physical disappearance of the personal data without it being necessary to replace them by a code.

Article 9

Right to restriction of processing

(Article 20 of Regulation (EU) 2018/1725)

1. Requests for the restriction of processing shall specify the personal data concerned and the grounds for the restriction, as laid down in Article 20(1) of Regulation (EU) 2018/1725.
2. The data subject shall be notified of the successful restriction of processing. In the case of the rejection of the request, the controller shall inform the data subject in writing about the reasons thereof.

Article 10

Notification to recipients

(Article 21 of Regulation (EU) 2018/1725)

1. After finalisation of one of the procedures laid down in Articles 16 to 18 of this Decision, the controller shall launch the procedure under Article 21 of Regulation (EU) 2018/1725 in due course.
2. In the case that the notification to recipients proves impossible or involves a disproportionate effort, the controller shall inform the data subject in writing about the reasons thereof.

Article 11

Right to data portability

(Article 22 of Regulation (EU) 2018/1725)

1. Requests under Article 22 of Regulation (EU) 2018/1725 shall specify the personal data concerned.

2. In the case of the rejection of the request, the controller shall inform the data subject in writing about the reasons thereof.

Article 12

Right to object

(Article 23 of Regulation (EU) 2018/1725)

1. Objections shall specify the personal data concerned and the grounds relating to the personal situation justifying the objection.

2. In the case of the rejection of the objection, the controller shall inform the data subject in writing about the reasons thereof.

CHAPTER III

FINAL PROVISIONS

Article 13

Remedies

Any citizen, including staff members of the Authority, may resort to the remedies available to them under Regulation (EU) 2018/1725 and the Staff Regulations.

Article 14

Entry into force

This Decision shall enter into force on the date of its signature.

Brussels, 21 December 2021



Pascal Schonard
Director