

## **PRIVACY STATEMENT**

### **for processing of personal data in data within the framework of the Headquarters Agreement and the Service Level Agreement between BEREC Office and the Government of the Republic of Latvia and the Protocol No 7 to the TFEU on the privileges and immunities of the European Union**

The Agency for Support for BEREC (BEREC Office) processes the personal data of natural persons in compliance with 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<sup>1</sup> (hereinafter – Regulation 2018/1725).

This privacy notice explains BEREC Office policies and practices regarding its collection and use of your personal data and sets forth your privacy rights. We recognise that ensuring the fundamental rights for privacy and the protection of personal data is an ongoing responsibility; therefore, we will update this notice where necessary.

#### **1. What is the purpose and legal basis for processing your personal data?**

The purpose of the processing is to implement the provisions applicable to the relations between the BEREC Office and the Latvian authorities, in particular to the privileges, immunities, exemptions and tax facilities granted to the Agency's statutory staff (contract agents and temporary agents) and seconded national experts (SNEs).

The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body. Therefore it is lawful according to Article 5(a) of Regulation 2018/1725.

In addition, the processing is lawful according to Article 5(1)(b) of Regulation (EU) 2018/1725, because processing is necessary for is necessary for compliance with a legal obligation to which the controller is subject.

- Protocol (No 7) on the privileges and immunities of the European Union;
- Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community ('Staff Regulations, in particular Article 23 thereof,

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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 L 295*, 21.11.2018, p. 39–98. Available on: <https://eur-lex.europa.eu/eli/reg/2018/1725/oj>.

- Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009, in particular Article 34 thereof,
- Headquarters Agreement between BEREC Office and the Government of the Republic of Latvia (HQA);
- Service level agreement between the BEREC Office and the Government of the Republic of Latvia (SLA);
- Cabinet of Ministers Regulation No 316 establishing the Procedure for reimbursement of value added tax compensation for employees and seconded experts of the BEREC Office.
- Cabinet of Ministers Regulation No 908 Procedures for the Application of the Zero Per Cent Value Added Tax Rate to Supply of Goods and Services Provided to Diplomatic and Consular Missions, International Organisations

## 2. What personal data is collected and processed?

The processing of the personal data is carried out under the responsibility of the Director of the BEREC Office, acting as the representative of the data controller. Data are also processed by the Latvian authorities (i.e. Ministry of Transport, personnel of the Liaison Office), acting as processor.

Depending on the procedure, different documents with personal data will be processed by competent Latvian authorities as established by the Headquarters Agreement and Service Level Agreement. Personal data processed for schooling purposes is subject of processing activities covered by a separate Privacy Statement ([here](#))

Under the HQA and SLA, there may be the need of launching the following procedures:

### **2.1 Notification to the Latvian authorities of the BEREC Office Director, statutory staff or SNEs taking up/relinquishing duties and assistance in the application process for issuance (and renewal-replacement) of the special ID cards issued by the Ministry.**

In accordance with Article 16 of the GQA, the Agency notifies the Latvian Ministry of Foreign Affairs (MFA) of the appointment of new Director, statutory staff and SNEs of the BEREC Office and of the arrival of their family members forming part of their household. Verbal notes notifying the appointment/arrival of these persons are sent to the State Protocol, which may be accompanied by application form for obtaining the special identification (ID) card for these persons (the Agency undergoes a similar process when staff is finishing his/her duties).

Each year the Agency sends a list of the names of the Director, statutory staff, SNEs, as well as the address of the Director, to the Latvian MFA.

The Liaison Office personnel provides the Agency's staff with assistance in preparing mandatory documents required under the above-described procedure (i.e. application for new ID cards, renewal of old ID cards, etc.).

The data processed are the following:

- Identification data (name, surname, title, marital status, nationality, place and date of birth, including passport data and signature);
- Accreditation data (position, function, section/division, name of the predecessor, data of arrival in Latvia, date of taking up duties, private residence address, telephone)
- Data of members of the family forming part of the household of the statutory staff/SNE (name, surname, relationship with the statutory staff/SNE, nationality, place and date of birth, date of arrival in Latvia, number of passport or national ID card, date of issue and validity, residence address, telephone, educational certificate of the child, if applicable)

In specific situations, concerning the Agency response to Latvian authorities' requests of waiving immunity from jurisdiction as regards the acts carried out in the official capacity for statutory staff/diplomatic immunity for the Director, there may be the need to process other type of personal data.

## **2.2 Registration and deregistration of motor vehicles in the Republic of Latvia, incl. with special number plates**

In line with Article 12 of the HQA, vehicles for the use of staff may be registered under a special series in accordance with the usual practice for staff with immunity in the Republic of Latvia. The BEREC Office assist its staff members also in the registration of vehicles with regular plates.

The data processed are the following:

- Identification data of the staff member requesting the registration (name, surname, category of staff, personnel number and signature);
- Identification data of the owner/user of the vehicle;
- Information about the vehicle (chassis number).

## **2.3 Application for reimbursement of value added tax (VAT) for the purchase of goods, services intended for personal needs of Director (entitled also to reimbursement of excise duties), statutory staff and SNEs who are not citizens or permanent residents of the Republic of Latvia.**

The BEREC Office processes the applications of the statutory staff and SNEs who are entitled to VAT reimbursement (and reimbursement of excise duties for the Director) in accordance with HQA and Regulations of the Cabinet of Ministers No. 316 / Regulations Cabinet of Ministers Regulation No 908.

The data processed are the following:

- Identification data (name, surname, function)
- Contact data (email address, telephone number, private address)
- Financial data (bank account number)
- Other data (such as, data about purchases included in invoices/receipts)

#### **2.4 Facilitating entry and stay in Latvia of Director, statutory staff, SNEs and members of their family, Management Board members, members of other bodies of the BEREC Office and external experts.**

In line with Article 9 of the HQA, the authorities of the Host Member State shall take appropriate measures to facilitate the entry into, stay in and exit from its territory of the following persons, irrespective of their nationality: members of the Management Board and other bodies of the Agency, the Director, statutory staff, seconded national experts, external experts, as well as the members of the family forming part of the household of the Director, the statutory staff and the seconded national experts.

The BEREC Office submits the formal requests for obtaining Visas for the above-identified persons. Those request may be accompanies by application forms and other supporting document, which contain the following personal data:

- Identification data (name, surname, passport/ID number, function)
- Data required in the visa application form: date and place of birth, country of birth, citizenship, sex, marital status, home address and e-mail address, phone number(-s), travel document number, photograph, current occupation, purpose of the entry, personal data of family members, signature.

#### **2.5 Facilitating the transfer of the national health insurance rights of SNEs and members of the households of the Director, the statutory staff and SNEs**

In line with Article 9 of the SLA, the Latvian authorities and the Agency facilitate the transfer of the national health insurance rights of SNEs and those of the members of the households of the Director, the statutory staff and SNEs through exchange of documents via administrative channels.

The data processed are the following:

- Identification data (name, surname, function)
- Contact data (phone number, email address)
- The data contained in the S1 form (this data is normally processed only by the Latvian authorities in charge of receiving the S1 form from the individual concerned)

In addition to the data listed above, this processing includes may include any other data that may be required to implement the HQA and SLA.

## **2.6 Facilitating access to job market, day-care facilities, educational establishments and financial, insurance, real estate and other commercial services**

On the request of the Director, statutory staff or SNEs, with the assistance of the Liaison Office, the Agency may, inter alia, facilitate access to the job market, to the day-care facilities, universities, to banking, insurance real estate brokerage, and telecommunications, etc.

Is such cases the Agency may need to provide some personal data to the respective service providers, especially in the cases of newcomers, who have not obtained their special ID cards.

The data processed in those cases are the following:

- Identification data (name, surname, function);
- Contact data (email address, telephone number, private address);
- Category of staff and duration of contract;
- Other data specific for the request.

In addition to the processing operation above-indicated, there may be the need to process personal data under the Protocol (No 7) on the privileges and immunities of the European Union, namely for the following purpose:

## **2.7 Transferring personal data of staff members upon request from governments of Member States.**

In line with Article 15, second subparagraph of Protocol No. 7 to the TFEU, the governments of the Member States are entitled to request the BEREC Office a certain number of personal data of its staff members (those benefitting from the privileges and immunities), in particular:

- Name and Surname, grades and addresses

If Member States request such transfers for reasons that are not related to Protocol No 7, such as inviting their citizens to social events, BEREC Office should ask the staff unambiguous consent to the processing (Article 5(d) of the Regulation).

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

In particular, personal data are accessible to:

- BEREC Office: authorised staff of the entity in charge of HR and the Director of the BEREC Office.
- Latvian authorities: personnel of the Liaison Office, authorised staff of MFA, Ministry of Transport, Road Traffic Safety Directorate (CSDD), and personnel of other entities as required by the national legislation in force.

- Latvian service providers: personnel of service provider to whom the Agency sends a request for ensuring the provision of the service upon request of the Director, staff member/SNE in the context of the processing indicated under 2.6.
- Personnel of governments of Member States in the context of the processing indicated under 2.7.

#### **4. How long are your personal data kept?**

Originals of all documents to be processed within the framework of the HQA are stored by the competent Latvian Authorities in charge of the processing of the procedure concerned

Copies of some of the documents/data sent to the Latvian authorities are kept in the Agency Document Management System (ARES) and/or the Agency shared drive applying access restrictions, for 5 years from the date of the closure of the file (as aligned with the BEREC Office specific retention list).

#### **5. What are your rights?**

You have the right to request from the controller access to and rectification or erasure of your personal data or restriction of processing.

You also have the right to object to processing of your personal data.

The controller shall provide information on action taken on a request within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests.

#### **6. Who is the data controller and how to exercise your rights?**

The BEREC Office shall exercise the tasks of the data controller for the purpose of these processing operations.

To exercise the mentioned rights, you can contact the controller by sending an email to: [berecoffice@berec.europa.eu](mailto:berecoffice@berec.europa.eu)

If you consider your data protection rights have been breached, you can always lodge a complaint with the BEREC Office's Data Protection Officer ([dpo@berec.europa.eu](mailto:dpo@berec.europa.eu)) or with the European Data Protection Supervisor: [edps@edps.europa.eu](mailto:edps@edps.europa.eu)

