

PRIVACY NOTICE – Access to documents requests (record reference number: 36)

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

This privacy notice explains how the SESAR JU 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.

SESAR JU 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 14 to 16 of the Regulation.

What is the purpose of the processing?

- Processing of personal data is necessary for handling the access to documents requests, received by the SESAR Joint Undertaking and for providing access to the requested documents to the requester in accordance with Regulation (EC) No 1049/2001.

Which personal data do we process?

- When you submit the online form as a natural person we collect the following: Name, email, address, city/town, postal code, country.
- When you submit the online form on behalf of a legal entity we collect the following: Name of contact person, company name, email, address, city/town, postal code, country. Additional contact details may be provided voluntarily by the requester.

Under what legal basis do we process your personal data?

- Article 15(3) of the Treaty on the Functioning of European Union
- Regulation (EC) No 1049/2001 of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents
- Decision ADB (D)-12-011 of the Administrative Board of the SESAR Joint Undertaking “Concerning the transparency and public access to the documents of the Joint Undertaking”.
- ED Decision Ref. SJU/ED/683, laying down implementing rules for the application of Decision ADB(D)-12-011 “concerning the transparency and public access to the documents of the Joint Undertaking”
- Public Interest - article 5 (a) of Regulation 2018/1725
- Legal obligation - article 5 (b) of Regulation 2018/1725

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

Controller: The SESAR JU, legally represented by Florian Guillemet, Avenue Cortenbergh 100, 1000 Brussels

No personal data is currently processed by external processors.

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”).

How is SESAR JU processing the personal data?

When the SJU receives an access to documents request, personal data are processed manually in the following steps:

An acknowledgment of receipt is sent to the applicant via the access to documents functional mailbox. The application is forwarded to the SJU staff member(s) (“document owner”), deemed as the appropriate person(s) to identify the documents falling under the scope of the request and assess their potential disclosure. A possible consultation of the EC services may take place, in particular with DG RTD, SG or DG MOVE. In this case, personal data of the applicant will be made available to the above DGs.

Consequently, a decision is taken on whether to disclose fully or partially the documents or to refuse disclosure. The applicant is informed on the initial decision with a letter signed by the Chief of Administration Affairs.

In case of a partial or full disclosure the applicant may submit a confirmatory request. Upon receipt of such request, an acknowledgment of receipt is sent to the applicant via the access to documents functional mailbox and a decision on the confirmatory request is taken at the Executive Director level. The applicant is informed on the initial decision with a letter signed by the Executive Director.

Unless access to personal data is specifically requested by the applicant, personal data are redacted by default from the SJU documents to be disclosed. Personal data that appear on the requested documents may be disclosed to the applicant following an assessment under Article 9(1)(b) of Regulation 2018/1725 provided that the data subjects have been informed about the processing and about their right to object (Articles 15-16 and 23 of the Regulation).

See <https://www.sesarju.eu/dataprotection> for more information.

How do we protect and safeguard your information?

- Staff dealing with this processing operation is designated on a need-to-know basis
- Relevant documents, related to initial and confirmatory applications are stored in paper in the Legal & Procurement sector’s archives under lock and key, electronically in dedicated Outlook folders, IDMS public access to documents register, IDMS correspondence register and Legal sector’s IDMS area with restricted access rights.

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

- Designated SJU staff members: Members of the SJU access to documents team, Chief of Administration Affairs (for initial applications), Executive Director (for confirmatory applications), owner(s) of the identified documents inside the SJU, their managers;
- European Commission and its services: DG RTD or SG could inter alia be consulted in cases where the SJU needs assistance on interpretation of the applicable rules, templates and procedures with regard to specific access to documents requests. DG MOVE shall be consulted on the basis of the General Agreement, signed between the SJU and the European Commission, mainly with regard to the requests, coming from non-EU countries.
- Third countries: The SESAR JU may reply to an applicant residing in a country outside the EU. The SESAR JU only discloses personal data to an applicant residing outside the EU if the conditions for a transfer of personal data to a third country or an international organisation under Chapter V of Regulation (EU) 2018/1725 are met. Since the factual and legal circumstances, including the place of residence of the applicant, are different for each application for access to documents, the existence of a legal base for the transfer will be assessed case-by-case by the SESAR JU.

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 sju-access-documents@sesarju.eu.

Data subjects have the **right to withdraw their consent at any time** by sending a written request to sju-access-documents@sesarju.eu. 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 Regulation and the upcoming SJU decision on restrictions may apply.

How long is the data retained?

- a) Data are retained for 5 years for files regarding an initial access to documents application
- b) Data are retained for 5 years for files regarding a confirmatory access to documents application

Complaints, concerns and recourse

Should you have any complaint or concern you may contact:

- the Data Protection Officer of the SESAR JU at sju.data-protection@sesarju.eu, and
- the access to documents team at sju-access-documents@sesarju.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.eu>

Additional information

More information on Data Protection at the SESAR JU can be obtained in the [SJU register of data processing operations](#). The SESAR JU privacy notice relating to this processing activity is available in the online form for submission of access to documents requests.