

PROTECTION OF YOUR PERSONAL DATA

This privacy statement provides information about the processing and the protection of your personal data.

Processing operation: EC M365 environment

Data Controller: DIGIT C6

Record reference: DPR-EC-04966

Target audience: Guest users

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1. Introduction

The European Commission (hereafter 'the Commission') is committed to protect your personal data and to respect your privacy. The Commission collects and further processes personal data pursuant to [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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of DIGIT C6 with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

The information in relation to the processing operation "EC M365 environment" undertaken by DIGIT C6 is presented below.

The Digital Workplace Program is an essential part of the [European Commission Digital Strategy \(C\(2018\) 7118 final\)](#). The Digital Workplace Program allows secure collaboration and sharing of information between Commission staff and third parties, including other EU institutions and agencies, public administrations, international organisations and other collaborators invited to the M365 environment by EC staff.

2. Why and how do we process your personal data?

Purpose of the processing operation:

DIGIT C6 is operating the future collaboration platform of the European Commission. To fulfil the “Any place, Any time, Any (corporate) device” promise of the Commission’s Digital Workplace Strategy (adopted in 2017), a central piece of the Digital Workplace architecture is based on the cloud-based solution Office 365 (“Office 365 platform”) provided by Microsoft. This enables Commission staff to work on any (corporate) device and facilitates collaboration with internal and external stakeholders.

Description of the processing related to each data category

The Office365 platform distinguishes between the following data categories for guest users as defined in detail in section 4 of this document:

- Identification data, i.e. email address
- Content data
- Service generated data (SGD)

Any of these categories may contain personal data.

The operation of this platform requires the processing of content data and SGD by Microsoft, for the following specific purposes:

1. Providing the Office 365 service to the Commission:
2. Technical support to IT teams for issues with Office365
3. Prevention, detection and resolution of security events (e.g. cyber-attack)
4. Assistance to data subjects in exercising their rights in relation to data processed within Office 365

The operation of this platform requires the processing of SGD by DIGIT C6, for the following specific purposes:

1. Set-up, configuration and maintenance of Office365 capabilities
2. End-user support for issues with Office365
3. Prevention, detection and resolution of security events (e.g. cyber-attack)
4. Assistance to data subjects in exercising their rights in relation to data processed within Office 365

The above-mentioned processing of personal data by DIGIT C6 and/or Microsoft is done to provide the cloud component of the Digital Workplace services.

In addition to this, Microsoft has been granted permission to process SGD for internal business functions in the context of providing the Office365 service (exhaustive list):

1. Billing and Account Management
2. Compensation
3. Internal Reporting and Business Modelling
4. Combatting fraud, Cybercrime, and Cyberattacks
5. Improving Core Functionality of Accessibility, Privacy and Energy Efficiency
6. Mandatory Financial Reporting and Compliance with Legal Obligations

Your personal data will not be used for an automated decision-making including profiling, advertising or marketing.

The DIGIT C6 reserves the right to consult user activity based on raw SGD to maintain the security and integrity of the EC M365 environment.

3. On what legal ground(s) do we process your personal data?

Article 5.1 (a) of the Regulation 2018/1725 states that: “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.”. This legal basis shall be laid down in Union Law (Article 5.2 Regulation (EU) 2018/1725).

According to Article 17 of the Treaty on European Union the EC “shall promote the general interest of the Union and take appropriate initiatives to that end. It shall ensure the application of the Treaties, and of measures adopted by the institutions pursuant to them. It shall oversee the application of Union law under the control of the Court of Justice of the European Union. It shall execute the budget and manage programmes. It shall exercise coordinating, executive and management functions, as laid down in the Treaties. With the exception of the common foreign and security policy, and other cases provided for in the Treaties, it shall ensure the Union's external representation. It shall initiate the Union's annual and multiannual programming with a view to achieving interinstitutional agreements”.

In addition, the processing of personal data can also be carried out for the performance of tasks carried out in the public interest by the Union institutions and bodies that is necessary for the management and functioning of those institutions and bodies. All personal data connected to the use of Office 365 are processed based on the necessity for the performance of a task carried out in the public interest by the EC, including the processing of personal data that are necessary for the management and functioning of the EC.

More specifically, the objective of all processing activities related to Office 365 is to support the management and the functioning of the European Commission, by adjusting the internal mechanisms and management systems to the new technological environment and advancements, by providing to EC Staff the necessary means and tools to perform their daily tasks and by organizing EC's operations according to the principles of sound financial management. Article 33 of the Regulation 2018/1046 of the European Parliament and of the council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012.

The digital transformation of the EC is in line with the EC's Digital Strategy and the Communication on Data, Information and Digital Management at the EC. These actions will be guided by policies on digital affairs (data, interoperability, eGovernment) and based on the following existing detailed strategies for specific domains:

- the digital workplace strategy;
- the collaboration solution strategy;
- the digital infrastructure strategy;
- IT-security and information-security strategies;
- data, information and knowledge management at the European Commission;

- the Commission's data strategy;
- the European interoperability framework;
- the trans-European systems strategy.

These actions will also use, extend and develop the Commission's:

- existing portfolio of policy and administrative information systems,
- digital services and
- current digital infrastructure.

The deployment of Office365 cloud services is the implementation of the EC's Action Plan.

4. Which personal data do we collect and further process?

Related to the provision of the service, DIGIT C6 or Microsoft process three different categories of guest user data, all of which may include personal data. These categories are:

1. **Identification data**, i.e. guest user email address. Depending on your authentication method, Microsoft or corporate account, refer to the relevant privacy statement for further information.
Note that identification data is visible to everyone having access to the EC M365 environment.
2. **Content data** includes any content uploaded to the Office 365 platform by users, such as documents, and multimedia (e.g. video recordings). Such data is stored by in Office 365 but not otherwise processed by the service.
3. **SGD** contains information related to the usage of online services, most notably the user IP address, creation time, site URL and user email address. This data is generated by events that are related to user activities in Office 365. To learn which events trigger the creation of SGD, consult [Annex A](#).

There might be personal information being processed, in particular personal information contained within the Content Data of individual users or groups of users in each DG or service within the European Commission, in addition to the personal data processed by all O365 tools that are covered by this record and privacy statement. This refers for example to documents or messages exchanged between members of a specific group or team.

The decision what data should be processed using O365 remains fully with the respective operational controller or user. Existing policies or instructions concerning this data may exist and need to be taken into account. Relevant documents might for instance be instructions how to process HR-related data, medical data etc.

DIGIT C6 does not take any responsibility for the inappropriate use of O365. Please refer to the relevant record and privacy statement of the particular processing activity for further information.

DIGIT C6 and Microsoft do NOT process special categories of personal data in the context of Office 365. Nevertheless, users may use Office365 as a means for processing special categories of personal data in the context of specific policies.

5. How long do we keep your personal data?

DIGIT C6 only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing.

- Identification data, i.e. guest user email address
 - for as long as the guest user account is active

- Content data
 - up to 180 days upon expiration/termination of the subscription
- SGD
 - six months

6. How do we protect and safeguard your personal data?

All personal data in electronic format (emails, documents, databases, uploaded batches of data, etc.) are stored either on the servers of the European Commission's Data Centre or in Microsoft datacentres in the EU (linked to the EC M365 environment). All processing operations are carried out pursuant to the [Commission Decision \(EU, Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

To protect your personal data, the Commission has put in place several strong contractual safeguards, complemented by technical and organisational measures. In addition to the general policy of Microsoft to secure personal data by means of pseudonymisation and encryption (at rest and in transit), the risk of disclosure of personal data to third country authorities by Microsoft Ireland and its affiliates is mitigated by customised contractual provisions and technical and organisational measures. Contractual provisions address the way Microsoft responds to access requests, limiting risks to personal data of the customer.

Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

For more information on technical security measures in place, refer to Section 5. of the data protection record (cf. DPR-EC-04966 EC M365 environment).

7. Who has access to your personal data and to whom is it disclosed?

Access to your personal data is provided to Commission staff responsible for carrying out this processing operation and to authorised staff according to the "need-to-know" principle. Such staff abide by statutory, and when required, additional confidentiality agreements. Those members of staff include appointed EC officials and service providers under officials' supervision. The information collected will not be given to any third party, except to the extent and for the purpose required by law.

For services related to the Office 365 cloud-based collaboration platform, Microsoft acts as data processor. Contact details: Microsoft Ireland, South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, Ireland.

For certain limited categories of personal data which are detailed in the below scenarios, Microsoft IRELAND may transfer personal data to the USA or any other country in which Microsoft or its sub-processors operate. These data flows take place from Microsoft IRELAND to Microsoft Corp. in the USA and to Microsoft's sub-processors.

Microsoft Ireland has signed with Microsoft Corp. the new Standard Contractual Clauses ("SCCs") Decision (EU) 2021/914 (module three: processor-to-processor). The new Standard Contractual Clauses cover all transfer scenarios indicated below.

SGD is processed outside of the EU. In most cases, SGD is pseudonymised before being transferred (see Section 4.4 above or Section 2.2 of the data protection record).

International data transfers are effectively taking place in these transfer scenarios:

1. SGD transfers

SGD transfers for Combatting fraud, Cybercrime, and Cyberattacks and Compliance with Legal Obligations are protected by encryption (ensuring their confidentiality in transit).

2. Worldwide access to EC M365 environment

Logging into the EC M365 environment is done with the email address only.

3. Support case

Only designated second-level support teams (system administrators) can open support cases with Microsoft. Most support cases do not need access to 'Customer Data'. In exceptional cases where such access is needed, mitigation is achieved by activating the 'Customer Lockbox' feature. This feature enforces customer approval for giving time-bound access to any 'Customer Data' by Microsoft engineers.

Considering the specific circumstances of the transfers, the use of appropriate safeguards and the above analysed supplementary measures, the transfer of personal data concerned to the United States is effectively subject to appropriate safeguards.

8. What are your rights and how can you exercise them?

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing, and the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a) on grounds relating to your particular situation.

You can exercise your rights by contacting the DIGIT C6, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under "Contact information" Section 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under paragraph "10") in your request.

In the context of Office 365, the Data Subject Request (DSR) tool helps DIGIT C6 retrieve personal data upon data subject request.

9. Contact information

The Data Controller

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of

your personal data, please feel free to contact DIGIT C6, [DIGIT-DWP-DATAPROTECTION@ec.europa.eu](mailto:DATA-PROTECTION@ec.europa.eu).

The Data Protection Officer (DPO) of the Commission

You may contact the Data Protection Officer (DATA-PROTECTION-OFFICER@ec.europa.eu) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

The European Data Protection Supervisor (EDPS)

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by DIGIT C6.

10. Where to find more detailed information?

The Commission Data Protection Officer (DPO) publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You may access the register via the following link: <http://ec.europa.eu/dpo-register>.

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR-EC-04966.

15 October 2021