**Privacy Statement – Users of the Case Management Tool (CMT)**

1. **Context and controller**

When the Agency for the Cooperation of Energy Regulators (the “Agency”) processes personal data it is subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (“Regulation (EC) No 45/2001”).

The CMT is an IT-tool through which the Agency and national regulatory authorities (“NRAs”) shall exchange information relating to potential breaches of Regulation (EU) No 1227/2011 of the European Parliament and the Council of 25 October 2011 on wholesale energy market integrity and transparency (“REMIT”). In order for the Agency and NRAs to exchange information relating to potential breaches of REMIT (the “Case(s)”), a secure and reliable communication channel is needed. The CMT is thought to be such a tool.

Personal data will be processed in the context of the CMT.

The Agency’s department in charge of processing of personal data is the Market Surveillance and Conduct Department.

Contact details of the person in charge of the processing:

Mr Martin Godfried, Head of the Market Surveillance and Conduct Department

Postal address: Agency for the Cooperation of Energy Regulators (ACER)

Trg republike 3

SI-1000 Ljubljana, Slovenia

E-mail: market.conduct@acer.europa.eu

1. **What personal information do we collect, for what purpose, and under which legal bases?**

**Types of personal data**

The Agency will process the following personal data of NRAs’ staff members authorised to use the CMT and of the Agency’s staff members assigned to treatment of the Cases:

* Full name of the staff member;
* Organisation concerned;
* Professional title of the staff member;
* Function in relation to the CMT/the particular Case;
* Contact details of the staff member (Business Address, Phone and Email).

**Purpose**

The purpose of the processing is compliance with the tasks entrusted to the Agency in REMIT. More specifically, the processing of personal data of NRAs’ and Agency’s staff members is necessary for effective use of the CMT and treatment of the Cases.

**Legal bases**

In line with Article 5 (a) of Regulation (EC) No 45/2001, the processing is necessary for the performance of a task carried out by the Agency in the public interest, on the basis of REMIT.

1. **Who has access to your personal data, to whom is it disclosed, and for how long is it stored?**

In line with the purposes of data processing, and depending on the peculiarities of the Case at stake, personal data in the CMT might be disclosed to the following recipients or categories of recipients:

* + Authorised staff from the NRAs (Case Handler, his/her hierarchy, Liaison Officer, Functional Administrator);
	+ Authorised staff of the Agency working at the Market Surveillance and Conduct Department, the Head of the Market Surveillance and Conduct Department and the Agency’s Director;
	+ Other competent authorities with which the Agency or NRAs are required to cooperate pursuant to REMIT :
		- Competent financial authorities (Article 16(3)(a) and (b) of REMIT);
		- The European Securities and Markets Agency (ESMA) (Article 16(3)(b) of REMIT);
		- National competition authorities (Article 16(3)(d) of REMIT);
		- The European Commission (Article 16(3)(d) of REMIT);
		- Other authorities or competent judicial authorities also entrusted with investigatory and enforcement powers as per Article 13(1) of REMIT.

On an exceptional basis and after the Agency’s prior consent, personal data might also be disclosed to the following entities:

* Contractors responsible for the development and maintenance of the CMT;
* Contractors providing hosting services for the CMT; and
* Contractors managing the Central Service Desk of the Agency.

Disclosure of personal data to these companies is realised in the execution of Framework and Specific Contracts. Contractors are bound by the confidentiality rules and data protection provisions established therein.

If appropriate, access will be given to the European Court of Auditors, the European Ombudsman, the European Data Protection Supervisor, the General Court of the European Union, the European Court of Justice and the Civil Service Tribunal. If requested, personal data can also be disclosed to the European Anti-Fraud Office (OLAF).

The retention period of your personal data is 10 years following ceasing to be a user of the CMT.

1. **Data subjects’ rights and available recourse measures**

Data subjects notably have the right of access to, rectification, blocking, and erasure of their personal data. Data subjects’ rights are governed by the provisions of Regulation (EC) No 45/2001.

Data subjects seeking clarification of their rights or further information should contact the Agency’s data protection officer (DPO@acer.europa.eu).

Data subjects wishing to exercise these rights are requested to contact either the person in charge of the processing (details above), or the Agency’s data protection officer (DPO@acer.europa.eu).

Finally, the data subjects may, at any time, have recourse to the European Data Protection Supervisor (<http://www.edps.europa.eu>).