**Privacy Statement – notifying a potential REMIT breach**

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”).

Notifications to the Agency of 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”) are susceptible to containing personal data. Should it be the case, please find below details on how these personal data will be processed by the Agency.

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 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 the person(s) notifying about a possible REMIT breach:

* Full name of the person submitting the notification;
* Organisation of the person submitting the notification;
* Professional role of the person submitting the notification, if available;
* Contact details of the person submitting the notification (Business Address, Phone and Email);
* Role of the notifying party;
* ACER code of the notifying party, if any;
* In case this person is a person professionally arranging transactions (“PPAT”), identification of the code type of the PPAT (unique identification code - EIC,BIC,LEI,GLN,VAT,ACER,MIC).

**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 the persons notifying about a possible REMIT breach is necessary for the proper monitoring of wholesale energy markets.

**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, personal data submitted with a notification of a potential REMIT breach might be disclosed to the following recipients or categories of recipients:

* + Authorised staff from the National Regulatory Authorities (“NRAs”);
	+ 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 the Agency’s IT tools;
* Contractors providing hosting services for the Agency’s IT tools; 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 your notification. Where, on the basis of the information provided, a case is opened by the Agency or by NRAs, the retention period of your personal data will be extended to 10 years following the closure of the case.

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>).