

## Privacy statement regarding the use of Microsoft 365 (with special attention to Microsoft Teams) and the use of Windows 365 at the European Institute of Innovation and Technology

This privacy statement provides information on the processing of personal data carried out by the European Institute of Innovation and Technology within the framework of the use of Microsoft 365 with special attention to Microsoft Teams ('MS Teams' or 'Teams'), email, OneDrive, SharePoint and Windows 365 which are cloud-based services.

The processing of personal data follows the provisions of Regulation (EU) 2018/1725<sup>1</sup> 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 (hereinafter "Regulation").

### What is personal data and what is a personal data processing operation?

**Personal data** shall mean any information relating to an identified or identifiable natural person ('data subject'). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

**Processing** means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

### Who are the data subjects?

The data subjects can be:

- staff members of the EIT and other persons working at/for the EIT<sup>2</sup>;
- external persons who are cooperating with EIT or contacting the EIT (external or guest users)<sup>3</sup>.

SharePoint can be used by the staff members only (with the exception of one page dedicated to the EIT Governing Board members).

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<sup>1</sup> OJ L 295, 21.11.2018, p. 39–98

<sup>2</sup> In this context 'staff member' means temporary agents, contract agents, SNEs, trainees, interim agents, external IT service providers (hereafter 'staff members').

<sup>3</sup> For instance, members of the Governing Board of the EIT, external experts; KIC staff are using the KIC Sharing Zone.

### Who is the controller of the data processing?

The data controller is the Head of Services and Finance Unit.

### What is the purpose of the personal data processing?

The purpose of processing personal data depends on the type of the IT Tool, used by the EIT. Effective communication and collaboration are always amongst the purposes regardless of the type of IT Tools.

The EIT is part of the framework contract (FWC DI/07660) concluded between the European Commission and Microsoft. Furthermore, DG DIGIT concluded a Framework Contract on the services for Windows 365 (FWC DI/07722) of which the EIT is also part of.

**In 2020, DG DIGIT completed a Data Protection Impact Assessment on the deployment of Microsoft's Office 365 in the European Commission (EC)<sup>4</sup>. This privacy statement is prepared based on this Assessment.**

### **Summary of the IT Tools:**

- a. **Microsoft 365** is a cloud-computing service: the EIT utilizes mainly Teams, SharePoint, Outlook, OneDrive, Stream, Power BI, Planner, Word, Excel, PowerPoint etc. The most important parts related to data processing are Teams, SharePoint, and Outlook.

Microsoft Teams is utilized in order to organise and manage calls (with other staff members or with external users), internal trainings, workshops (and sometimes to record them) and events initiated by EIT (e.g. team-building).

In 2020 and in 2021, when COVID-19 is a serious threat to the health of people and when teleworking is part of the standard practice, video conferencing tools which comply with the data protection rules, are indispensable.

SharePoint is used in order to:

- make the collaboration more effective (i.e. it is possible to edit documents simultaneously with other colleagues, without losing information),
- make content available for those who are permitted to work with certain documents.

Outlook is used in order to communicate and cooperate effectively by email.

- b. **Windows 365** is a service which provides virtual desktops for the users. The virtual desktop provides the user the same EIT corporate environment in a secure way from anywhere, anytime and from any non-corporate device (mobile phone, tablet, public kiosk, personal computer).

The data processing operations include the collection, recording, organisation, storage, consultation, use, disclosure by transmission, erasure and destruction of personal data.

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<sup>4</sup> Ref. Ares(2020)1151869- 24/02/2020

## What types of personal data are processed?

In this processing operation the EIT processes personal data directly collected from the data subjects when they access the Microsoft Teams and/or other services. When data subjects access and use MS Teams, SharePoint and other services, personal data will be processed by EIT as data controller and Microsoft as data processor.

Such data may include the following:

- Username, e-mail address, phone number and profile photo of each authorised user (if applicable);
- Any content in the framework of personal data shared by data subjects, including chat messages (one-to-one as well as group messages) and any other personal information, voluntarily posted on the platform;
- Audio and video calls in Microsoft Teams (processed only 'real time', recording is possible).

All 'customer data' collected in Teams and other platforms are stored and protected on Microsoft servers located in the European Union. Customer data is all data, including text, sound, video or image files, and software that the data subject provides to Microsoft or that is provided on behalf of the data subject through the use of services. It includes customer content, which is the personal data that the data subject uploads for storage or processing and apps uploaded for distribution through the services.

Access to EIT's Teams and other platforms is restricted to users with a valid EIT e-mail address and those externals who have been granted access.<sup>5</sup>

All staff members who have joined a particular Teams site can see activity approved within their permissions, which may include posts, replies to comments, 'likes', etc. Permissions are configured on a site-by-site basis by the Teams site owner and can be set at a team, channel or chat level.

Messages sent to individual users using the chat functionality can be seen only by the recipient and potentially by network administrators.

Teams and other platforms managed by the EIT are not suitable for posting or discussing sensitive documents or topics, therefore the data subjects must not upload commercially confidential or restricted information to these services.

Guests' information is processed by the Microsoft in case of Teams and SharePoint (the EIT has the KIC Sharing Zone, a collaboration platform). Only email addresses of Guests are processed by EIT in case there is no video recording.

The EIT does not give externals the access to other parts of these services.

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<sup>5</sup> The internal users can send a link to the specific Teams meeting.

## Who has access to the personal data of data subjects and to whom can they be disclosed?

### **Within the EIT:**

The personal data of the data subjects is processed by the EIT authorised staff (i.e. responsible staff of IT Section, Head of Services and Finance Unit, EIT Director).

Access will be given to the LISO (Local Information Security Officer) and Internal Auditor of the EIT by request if necessary for the performance of the duties of the Internal Auditor.

### **Within the Commission and other EU institutions/bodies/agencies:**

The authorized staff that may have access to relevant personal data only for audit control or investigation purposes: Court of Auditors, Internal Audit Service of the European Commission, European Anti-Fraud Office (OLAF).

Access to the personal data may be granted also to the European Ombudsman and the European Data Protection Supervisor upon request, the General Court and the European Court of Justice to the extent necessary for handling the review procedure and litigation.

### **Third parties subject to the GDPR<sup>6</sup> and third parties not subject to the GDPR:**

Microsoft is the service provider of the EIT. They ensure the continuous work and operation of its services for EIT, therefore the data collected may be processed by Microsoft only for the purposes of providing the service.

Their privacy statement is available at: <https://privacy.microsoft.com/en-us/privacystatement>

Data are stored in the datacentres of Microsoft located in the EU.

Microsoft may temporarily give access to technical staff located outside EU/EEA for technical maintenance. To guarantee compliance with Regulation (EU) 2018/1725, this should happen in line with instructions provided by DIGIT as regards to the common agreement and terms of use between the European Institutions and Microsoft.

In addition, Microsoft does not control or limit the regions from which the customer or its end users may access or move customer data. Therefore, in case an end user travels outside the EU/EEA and uses the services, personal data may be processed outside the EU/EEA to enable the user access to the online services from their location.

The above mentioned applies to Windows 365 as well.

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<sup>6</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation, OJ L 119, 4.5.2016, p. 1–88)

Microsoft has implemented measures for data transfers (e.g. Standard Contractual Clauses embedded in the Online Services Terms and additional GDPR-specific clauses in the Online Services Terms).

### How long do we keep your data?

The EIT only keeps personal data for the time necessary to fulfil the purpose of collection or further processing.

- Deactivation of the *account* of the staff members, contractors, experts, EIT Governing Board members, and external users is based on the date of their departure/end of service from the EIT.

Personal data (username, e-mail address, if applicable profile photo, as well as customer data not falling under any specific retention period) will remain until the account has been deleted (*120 days* retention period from the date of departure/end of contract). The deleted information is kept in the recycle bin for an additional *120 days* after which they will be deleted from EIT and Microsoft's servers.

- *Audio and video calls* in Microsoft Teams are processed only 'real time' and no recording is retained unless agreed by the participants.

### What are the rights of the data subject?

In accordance with Articles 15, 17, 18, 19 of the Data Protection Regulation of European Institutions the data subjects have the **right for information**, the **right of access**, the **right of rectification** in case their personal data is not complete or not accurate and the **right to erasure** ("right to be forgotten").

The data subjects have the right to obtain the **erasure** of their personal data in accordance with Article 19 of the Regulation and in particular in the cases when the personal data are no longer necessary in relation to the purposes for which they were collected, if the data subject withdraws its consent, or in case of unlawful processing.

Data subjects have also the **right to restriction** of processing of personal data in accordance with Article 20 of the Regulation, and the **right to object** on grounds listed in Article 23 of the Regulation.

The rights can be only exercised by sending a request in a written form to the [EIT-IT@eit.europa.eu](mailto:EIT-IT@eit.europa.eu). As a general rule, the requests for information, access, rectification, erasure restriction are handled without undue delay and in any event within one month of receipt of the request; this period may be extended by further two months where necessary, taking into account the complexity and number of requests. In case the data subject contests the accuracy of the data, upon request, the data is restricted immediately for the period of verification of the accuracy of the data, not exceeding one month.

Restrictions to the rights of data subjects may be applied by the EIT, in accordance with Article 25 of the Data Protection Regulation of the European institutions and the EIT internal rules on restrictions<sup>7</sup>.

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<sup>7</sup> Currently under adoption. The final version will be published at the following link: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>

### **Who should be contacted in case of complaints?**

You have the right of recourse at any time to the EIT's Data Protection Officer ([EIT-DPO@eit.europa.eu](mailto:EIT-DPO@eit.europa.eu)) and to the European Data Protection Supervisor ([EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu)) or contact the site: <http://www.edps.europa.eu/EDPSWEB/>.

### **Legal basis of the processing operation**

#### **General legal basis:**

Regulation (EU) 2021/819 of the European Parliament and of the Council of 20 May 2021 on the European Institute of Innovation and Technology (recast)<sup>8</sup>

#### **Specific EIT legal basis:**

Framework Contracts No DI/07660 and No DI/07722 concluded between the DG DIGIT of the European Commission and Microsoft

Decision 3/2020 of the EIT Director of the European Institute of Innovation and Technology (EIT) on Information and Communication Technology Policy

### **Grounds for lawfulness**

In line with Article 5(a) of Regulation No. (EU) 2018/1725, 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 EIT.

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<sup>8</sup> OJ L 189, 28.5.2021, p. 61–90