

# Information on Personal Data Protection – Industrial Property Office

We provide the following information in compliance with Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to personal data processing and on free movement of data, and repealing Directive No. 95/46/EC (General Data Protection Regulation) (hereinafter referred to as “GDPR”).

**Identity of the Controller:** Industrial Property Office, Antonína Čermáka 2a 160 68 Prague 6 - Bubeneč, Organisation ID No.: 48 13 50 97 (hereinafter referred to as “IPO” or “Controller”).

**Contact information of the Controller:** Antonína Čermáka 2a 160 68 Prague 6 – Bubeneč; e-mail: posta@upv.cz; tel. no.: 220 383 111, data box: ix6aa38.

**Contact details of the Data Protection Officer:** Mgr. Petra Gavendová, e-mail: poverenec@upv.cz; tel. no.: 220 383 350

**Source of personal data:** The personal data processed are personal data provided by the personal data subject to the IPO as the Controller in connection with the work of the IPO pursuant to the applicable legal regulations and international agreements applying to the industrial property office or in direct connection with the regular operation of the IPO. In addition, the IPO processes personal data obtained from publicly available resources (e.g. the Commercial Register, the Trade Register or the Insolvency Register) or obtained from third parties in association to the activity related to the industrial property protection.

**Purposes of processing and legal basis:** Personal data are processed during the exercise of public authority for the purpose of fulfilment of statutory obligations of the IPO within its competence as the central authority of the state administration for the protection of industrial property of the Czech Republic within the meaning of the Act No. 14/1993 Coll., on measures for the protection of industrial property, as amended. Personal data are further processed for the purpose of fulfilment of legal and contractual obligations and legitimate interests of the Controller within normal operation and for the purposes of protection of property and protection of occupational health and safety.

Unless the cases specified in Article 6 (1) (b) through (f) of the GDPR are concerned, the IPO processes personal data with the consent of the data subject pursuant to Article 6 (1) (a) of the GDPR.

## 1) Categories of personal data processed on the basis of consent pursuant to Article 6 (1) (a) of the GDPR

The IPO as the Controller processes the following categories of personal data to the extent necessary for the stated purposes only if you as the data subject have given your consent to processing of personal data to the IPO. This includes:

- contact details to the extent of the e-mail address for the purpose of sending confirmation of delivery of the electronic filing of the industrial property rights application (e-filing), sending reminders of the approaching end of the validity of industrial property rights, sending notifications of unavailability of electronic services and sending information on the training events of the IPO;
- photographs of the employees of the IPO in the non-public internal information system (Intranet);
- professional CV's of directors from the level of trade union directors to the extent specified in the Internal Anti-Corruption Programme of the IPO on the website of the IPO.

## 2) Categories of personal data processed without consent (on the basis of other legal grounds specified in Article 6 (1) (b) through (f) of the GDPR)

### a) Categories of personal data the processing of which is necessary for the performance of a contract to which the data subject is a party (Article 6 (1) (b) of the GDPR)

For this purpose, the IPO processes personal data of suppliers and other contractually bound entities to the necessary scope:

- identification data (name, surname, title, address, ID number);
- contact details (address);
- other data necessary for the contract performance.

### b) Categories of personal data the processing of which is necessary for fulfilment of an administrative obligation applying to the Controller (Article 6 (1) (c) of the GDPR)

The IPO must fulfil the obligations according to the relevant legal regulations, especially in the personnel, tax, financial, economic, security, social-administrative areas and in other common operating agendas. For this purpose, the IPO processes personal data and other data only for the necessary period of time and to the extent necessary for the fulfilment of a specific legal obligation. This also applies to data provided by job applicants as part of the selection procedures according to the relevant legal regulations.

### c) Categories of personal data the processing of which is necessary for the performance of a task carried out in the public interest or in the exercise of public authority delegated to the Controller or is necessary for the protection of the vital interests of the data subject (Art. 6 (1) (d) and (e) of the GDPR)

The IPO is entrusted with the exercise of public authority according to the relevant legal regulations, in particular with the procedure for the protection of individual industrial property rights and the maintenance of relevant registers and important information systems (IIS) containing information relevant to data subjects.

For this purpose, the IPO processes personal data to the extent of data defined by applicable legal regulations, in particular:

- identification data (name, surname, academic decree, address, date of birth) of the procedure participants, originators, third parties, acquirers of rights;
- other information provided by applicable legal regulations (registration of license, transfer of rights, existence of other rights);
- other data to the extent strictly necessary for the fulfilment of the specific exercise of public authority.

### d) Categories of personal data the processing of which is necessary for the purposes of legitimate interests of the Controller and a third party (Article 6 (1) (f) of the GDPR)

As the Controller, the IPO has a legitimate interest in protecting the health of employees and visitors to the IPO, their property and the property in the premises of the IPO. For this purpose, the IPO:

- operates a camera system scanning a simple image with recording in clearly marked areas in its buildings and in the immediate vicinity of the building façade;
- records data from the ID card of persons entering private premises of the IPO;
- records the operating logs of the web applications within the Intellectual Property Information System (electronic filing, search database) to the extent of the date and time of login, the user ID, the method of login, information on the user's browser, IP address and information on the query having been made (date and time of the query, the interface used, search criteria, setting of sorting the query results, speed of the query, number of records found).

The above-mentioned data are recorded in the necessary time scope for the above-mentioned purposes and the records are used exclusively for the submission of documents within investigations of police authorities, ensuring cyber security or for internal needs as a basis for improving the quality of the IPO information services. The operating logs are saved for the period of 2 years.

**Categories of recipients of the personal data processed:** The IPO, other public authorities within cooperation or fulfilment of a legal obligation; international organisations only to the extent of register information within the implementation of international conventions for the protection of industrial property.

In addition to the performance of international agreements, the IPO does not intend to transfer personal data to an international organisation or to a third country outside the European Union.

The IPO has the right to delegate processing of personal data to a processor who has concluded a processing contract with IPO and who provides sufficient guarantees of personal data protection.

**Period of processing and saving of personal data:** The Controller processes and saves personal data for the necessary period of time as determined by the applicable legal regulations or the legitimate interests of the parties. Unless expressly stated otherwise, the shredding periods for the individual types of documents are specified in more detail in the Filing and Shredding Plan of the Document Rules of the IPO or in the Personal Data Processing Regulation. (to be put on the website when it is approved?)

**Profiling and automated decision-making:** Personal data are not subject to decision-making that is only based on automated processing, including profiling within the meaning of Article 22 of the GDPR.

## What are your rights associated with personal data processing?

### Right to object

We expressly remind you that you have the right to object, at any time and for reasons associated with your particular circumstances, to the processing of personal data relating to you on the basis of Article 6 (1) (e) or (f) of the GDPR. An objection may be raised against the processing of personal data which are processed on the grounds that the processing of personal data is necessary for the performance of a task carried out in the public interest or in the exercise of public authority delegated by the Controller or because the processing is necessary for the purposes of the legitimate interests of the Controller or a third party.

If the Controller fails to prove serious legitimate reasons for processing that outweigh your interests, rights and freedoms, or for the establishment, exercise or defence of legal claims, it shall not further process your personal data.

### Right of access to personal data

You have the right to obtain confirmation from the IPO as to whether or not personal data relating to you are processed by the IPO. If your personal data are processed, you have the right to obtain these personal data as well as the following information on:

- the purposes of processing;
- categories of the personal data concerned;
- the recipients or categories of recipients to whom the personal data have been or will be disclosed;
- the planned period of time for which personal data will be stored or, if this is not possible, the criteria used to determine that time period;
- the existence of the right to require that the Controller corrects or erases the personal data, restricts the processing thereof, or of the right to raise an objection against such processing;
- the right to lodge a complaint with a supervisory authority;
- all available information on the sources of personal data unless they are obtained from the data subject;
- the fact whether automated decision-making takes place, including profiling.

At your request, the IPO shall provide you with a copy of the personal data processed. The IPO may charge a reasonable fee for any further copies, based on the administrative expenses incurred.

### The right to correction

You have the right to require that any incorrect personal data concerning you are corrected by the IPO without undue delay. Taking into account the purposes of the processing, you also have the right to have incomplete personal data completed, including by providing a supplementary statement.

### Right to deletion ("the right to be forgotten")

You have the right to require that the Controller deletes your personal data without undue delay if one of the following reasons is given:

- your personal data are no longer required for the purposes for which they have been collected or otherwise processed;
- you withdraw your consent based on which your personal data have been processed and there is no legal reason for processing them;
- you raise objections to the processing and there are no prevalent legitimate reasons for the processing;
- the personal data have been processed unlawfully;
- the personal data have to be deleted to comply with a legal obligation.

The right to deletion shall not apply if the processing is necessary for the following reasons:

- for exercising the right to freedom and information;
- for compliance with a legal obligation or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Controller;

- for reasons of public interest in the area of public health;
- for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes;
- for the establishment, exercise or defence of legal claims.

### Right for restriction of processing

You have the right to require that the IPO restricts the personal data processing:

- if you deny the accuracy of the personal data, specifically for a period of time that the Controller needs to verify the accuracy of the personal data;
- if the processing is unlawful and you request that the personal data be restricted instead of being deleted;
- if you require the personal data for the establishment, exercise or defence of legal claims and the Controller no longer needs such personal data for the purposes of the processing;
- if the data subject has objected to the processing until it is verified that the Controller's legitimate interests outweigh the legitimate interests of the data subject.

For the period of the processing restriction the personal data shall only be processed with the data subject's consent or in order to determine, exercise or defend legal claim or protect other person's rights or for the reason of an important public interest, which shall not apply to saving of the personal data.

### Right of data portability

If the processing of personal data is carried out in an automated manner and is based on consent or on a contract, you have the right to obtain your personal data that you have provided to the Controller in a structured, commonly used and machine-readable format and transfer such data to another controller or, if technically feasible, request that the Controller directly transfers your personal data to another controller in that format.

This right shall not be exercised with respect to data processed for the purpose of fulfilling a task performed in the public interest or exercising of public authority vested in the Controller. The exercise of the right to data portability shall not adversely affect the rights and freedoms of others.

### Right to withdraw consent to personal data processing

If the processing of personal data is based on your consent pursuant to Article 6 (1) (a) of the GDPR (see above), you have the right to withdraw your consent at any time. Withdrawal of consent shall not affect the lawfulness of processing based on the consent given before the withdrawal thereof.

### Right to lodge a complaint

You may raise a question or lodge a complaint with the IPO regarding the activity of the IPO during the processing of your personal data.

If you believe that a breach of the GDPR occurs during the processing of your personal data, you may lodge a complaint with the Office for Personal Data Protection regarding the Controller's procedure.

### How can you exercise your rights?

You may exercise your rights arising from the processing of your personal data with the IPO.

**Should you have any doubts, problems or questions regarding the personal data protection in the IPO, we recommend that you contact the Personal Data Protection Officer (e-mail: [poverenec@upv.cz](mailto:poverenec@upv.cz), tel. 220 383 111, [poverenec@upv.cz](mailto:poverenec@upv.cz) 220 383 350).**

This information is publicly available in the premises of the IPO and on the IPO website ([www.upv.cz](http://www.upv.cz)), where it is possible to obtain further details.