

## Data Protection Notice

### ACER Website

(10.12.2018)

This Data Protection Notice is provided to you in order to explain the policy of the Agency for the Cooperation of Energy Regulators ("the **Agency**") regarding your privacy, as well as how personal information regarding the users of this website ("**Website**") is handled.

### Who is responsible for my personal data?

The Agency is the data controller regarding all personal data processing carried out through the Website.

To get in touch with the Agency's Data Protection Officer, please contact: [dpo@acer.europa.eu](mailto:dpo@acer.europa.eu).

### What personal data of mine is being collected?

When you use the Website, the Agency collects and processes information regarding you (as an individual) which, either by itself, or together with other information to which the Agency has access, allows you to be identified. The Agency may also be able to collect and process information on other persons in this same manner, if you choose to provide it to the Agency.

This information may be classified as "Personal Data". The categories of Personal Data which may be processed by the Agency through the Website are as follows:

#### (a) **Name, contact details and other Personal Data you provide**

In various sections of the Website – including, in particular, in sections which allow you to provide qualitative feedback on documents or publications uploaded on the Website – you are asked to submit information about yourself to the Agency, such as your name and e-mail address.

This is also asked of you whenever you subscribe or sign up to receive services from the Agency, such as delivery of the Agency's newsletter (Infoflash).

#### (b) **Special categories of Personal Data**

The Agency will not ask you to provide any special categories of Personal Data, such as data revealing your racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data or data concerning your health, sex life or sexual orientation, through the Website.

However, certain areas of the Website include free text fields (e.g., the newsletter subscription form, the forms used to provide feedback on documents and publications uploaded on the Website). These fields may allow you to disclose (inadvertently or

not) special categories of Personal Data to the Agency. The Agency asks that you refrain from doing so, unless you consider this strictly necessary for the purposes of your communication to the Agency. In this case, the Agency asks that you provide your explicit consent to the processing of any special categories of Personal Data which you include (e.g., by stating “*I explicitly consent to the processing of the special categories of personal data which I hereby communicate to the Agency, for the purposes of allowing the Agency to respond to my request.*”) in the communication made.

The Agency only processes any special categories of Personal Data you submit where this explicit consent is given, or where another legal basis for processing can be relied on, and in any case only where this is deemed adequate, relevant and necessary in the context of the processing purposes provided in this Data Protection Notice.

**(c) Personal Data related to other persons**

As mentioned in the previous section, certain areas of the Website include free text fields which may allow you to share (inadvertently or not) Personal Data which relates to other persons with the Agency.

Whenever you decide to share Personal Data related to other individuals with the Agency, you will be considered an independent data controller regarding those Personal Data. This means that you will be held responsible for that decision – as such, you may be held liable for any complaints, claims or demands for compensation which may be brought against the Agency, where those Personal Data have been unlawfully shared with the Agency.

As such, in these situations, you must make sure that you are able to share these Personal Data with the Agency lawfully, under the applicable law (e.g., because the other individuals have consented, because you or the organisation you represent are subjected to a legal obligation to provide those Personal Data to the Agency, because these Personal Data are shared in the performance of a task in the public interest, etc.).

**(d) Browsing data**

The Website’s operation, as it is standard with any websites on the Internet, involves the use of computer systems and software procedures, which collect information about the Website’s users as part of their routine operation. While the Agency does not collect this information in order to link it to specific users, it may still be possible to identify those users either directly via that information, or by using other information collected – as such, this information must also be considered Personal Data.

This information includes several parameters related to your operating system and IT environment, including your IP address, location (country), the domain names of your computer, the URI (Uniform Resource Identifier) addresses of resources you request on the Website, the time of requests made, the method used to submit requests to the server, the dimensions of the file obtained in response to a request, the numerical code indicating the status of the response sent by the server (successful, error, etc.), and so on.

These data are used to compile aggregated statistical information on the use of the Website, including number of visits, pageviews and visitors, average visit duration, actions per visit, total searches and keywords used, downloads, devices / operating systems / browsers used to access the Website, locations from which the Website was accessed, and so forth. They may also be used to ensure the correct operation of the Website and identify any faults and/or abuse of the Website.

#### (e) **Cookies**

##### **Definitions, characteristics and application of standards**

Cookies are small text files that may be sent to and registered on your computer by the websites you visit, to then be re-sent to those same sites when you visit them again. It is thanks to these cookies that those websites can “remember” your actions and preferences (e.g., login data, language, font size, other display settings, etc.), so that you do not need to configure them again when you next visit the website, or when you change pages within a website.

Cookies are used for electronic authentication, monitoring of sessions and storage of information regarding your activities when accessing a website. They may also contain a unique ID code which allows tracking of your browsing activities within a website, for statistical or advertising purposes. Some operations within a website may not be able to be performed without the use of cookies which, in certain cases, are technically necessary for operation of the website.

When browsing a website, you may also receive cookies from websites or web servers other than the website being visited (i.e., “**third-party cookies**”).

There are various types of cookies, depending on their characteristics and functions, which may be stored on your computer for different periods of time: “**browsing / session cookies**”, which are automatically deleted when you close your browser, and “**persistent cookies**”, which will remain on your device until their pre-set expiration period passes.

According to the law which may be applicable to you, your consent may not always be necessary for cookies to be used on a website. In particular, “**technical / function cookies**” – i.e. cookies which are only used to send messages through an electronic communications network, or which are needed to provide services you request – typically do not require this consent. This includes browsing or session cookies (used to allow users to login) and function cookies (used to remember choices made by a user when accessing the website, such as language or products selected for purchase).

On the other hand, “**profiling cookies**” – i.e., cookies used to create profiles on users and to send advertising messages in line with the preferences revealed by users while browsing websites – typically require specific consent from users, although this may vary according to the applicable law.

##### **Types of cookies used in the Website**

The Website uses the following types of cookies:

- Browsing or session cookies, which are strictly necessary for the operation of the Website, and/or to allow you to use the platforms and applications available on the Website;
- Analytics cookies, which allow the Agency to understand how users make use of the Website and content available on the Website, and to track traffic to and from the Website.
- Technical or function cookies, which are used to activate specific functions within the Website and to configure the Website according to your choices (e.g., regarding cookies, display preferences), in order to improve your experience.

The Agency does not use any first-party or third-party profiling cookies on the Website.

In detail, the first-party cookies present on the Website are as follows:

Technical name	Cookie type, function and purpose	Duration
ACER_AcceptCookie	<b>Technical / function cookie.</b> Tracks whether users have consented to the use of cookies on the Website.	Until the user clears his/her cookie cache.
FedAuth	<b>Session cookie.</b> Keeps track of the user's session and access rights assigned to the user.	5 days after the user has last logged off.
WSS_FullScreenMode	<b>Technical / function cookie.</b> Keeps track of whether the user's browser is in fullscreen mode or not.	Until the uses closes his/her browser.
Lcid	<b>Technical / function cookie.</b> Keeps track of the language selected by a user on the Website.	24 hours.

The Agency also uses **third-party cookies** – i.e., cookies provided by websites / web servers which are owned by third parties. These third parties either act as independent data controllers from the Agency regarding their own cookies (using any data collected for their own purposes and under terms defined by them) or as data processors for the Agency (processing data collected on the Agency's behalf). For further information on how these third parties may use data collected via these cookies, and to opt-out of this, please refer to their privacy policies / opt-out mechanisms:

- **Europa Analytics**
  - **Privacy Policy / Opt-Out:** [https://ec.europa.eu/info/europa-analytics\\_en](https://ec.europa.eu/info/europa-analytics_en);
- **Google (Google Analytics)**
  - **Privacy Policy:** <https://policies.google.com/privacy>;
  - **Opt-Out:** <https://tools.google.com/dlpage/qaoptout>;

## Cookie settings

You can block or delete cookies used on the Website via your browser options. Your cookie preferences will be reset if different browsers are used to access the Website. For more information on how to set the preferences for cookies via your browser, please refer to the following instructions:

- [Internet Explorer](#);
- [Firefox](#);
- [Google Chrome](#);
- [Safari](#).

You may also provide set your preferences on third-party cookies by using online platforms such as [AdChoice](#).

**CAUTION:** If you block or delete **technical** or **function cookies** used by the Website, the Website may become impossible to browse, certain services or functions of the Website may become unavailable or other malfunctions may occur. In this case, you may have to modify or manually enter some information or preferences every time you visit the Website.

## Why is the Agency using these Personal Data?

The Agency uses the Personal Data mentioned above for one or more of the following purposes:

### (a) **Service Provision**

To send you the Infoflash Newsletter, where you have subscribed to this as a service (containing only informative content), and to provide any other services which you may request over the Website;

- It is not mandatory for you to give the Agency your Personal Data for this purpose; however, if you do not, the Agency may not be able to provide certain services over the Website to you, to the extent that the provision of those services requires the use of your Personal Data.

### (b) **Feedback**

To receive qualitative feedback from you on publications or documents uploaded onto the Website, or to manage online surveys to collect feedback on previous initiatives developed by the Agency (such as workshops and roundtables), and to contact you in order to establish a dialogue regarding the feedback given;

- It is not mandatory for you to give the Agency your Personal Data for this purpose; however, if you do not, the Agency will not be able to communicate with you regarding the feedback you provide.

(c) **Analytics**

For development and administration of the Website, in particular by use of data analytics regarding how you and other users use the Website.

- It is possible to prevent the collection of your Personal Data for these purposes (see [Cookies](#) above).

(d) **Misuse / Fraud Prevention**

To prevent and detect any misuse of the Website, or any fraudulent activities carried out through the Website.

(e) **Compliance**

For compliance with laws which impose upon the Agency the collection and/or further processing of certain kinds of Personal Data.

- When you provide any Personal Data to the Agency, the Agency must process it in accordance with the applicable law, which may include retaining and reporting your Personal Data to official authorities for compliance with its legal obligations.

All Personal Data processed by the Agency may be included in periodic backups carried out to ensure the availability of information stored on the Agency's IT systems, and may further be processed to ensure the Agency's compliance with its legal obligations regarding the processing of Personal Data (e.g., related to management of personal data breaches).

## Why can the Agency use these Personal Data?

The legal bases which the Agency relies on to process these Personal Data, according to the purposes identified above, are as follows:

(a) **Service Provision**

Processing for this purpose is needed to allow the Agency to provide services to you;

(b) **Feedback**

Processing for this purpose is based on your consent. It is not mandatory for you to give consent to the Agency for this processing, and any consent given may also be withdrawn at a later stage;

(c) **Analytics**

Processing for this purpose is needed to allow the Agency to understand how users, on average, interact with the Website and to improve the Website accordingly, with

the aim to providing a better user experience. This is important for the functioning and management of the Agency, and also for the Website to be able to provide information to users in an efficient and engaging manner, and therefore, represents a processing of personal data needed to pursue a public interest;

**(d) Misuse / Fraud Prevention**

Processing for this purpose is needed for the Agency to prevent and detect fraudulent activities or misuse of the Website, thereby ensuring the integrity and availability of the Website. This is important for the functioning and management of the Agency and, therefore, represents a processing of personal data needed to pursue a public interest.

**(e) Compliance**

Processing for this purpose is needed for the Agency to comply with its legal obligations.

The inclusion of all Personal Data stored by the Agency in its IT systems in periodic backups is deemed necessary in order to ensure the proper management and functioning of the Agency and, as such, necessary to carry out a task in the public interest.

## Who can see your Personal Data, and who will they be shared with?

Your Personal Data may be shared with the following list of persons / entities ("**Recipients**"):

- Persons, companies, entities or professional firms engaged by the Agency, including other Union institutions or bodies, in order to provide assistance related to the operation of the Website (e.g., hosting providers, e-mail platform providers, analytics providers), which typically act as data processors on behalf of the Agency, and have access to Personal Data only to the extent strictly required for them to provide those services.
- Companies, entities or professional firms engaged by the Agency, including other Union institutions or bodies, in order to provide services related to the security of the information held by the Agency, such as the notification, assessment and handling of security incidents;
- Persons authorised by the Agency to process Personal Data needed to carry out activities strictly related to the operation of the Website, who have undertaken an obligation of confidentiality or are subject to an appropriate legal obligation of confidentiality (e.g., staff members of the Agency);
- Public entities, bodies or authorities, including other national or Union institutions or bodies, to which your Personal Data may be disclosed, in accordance with Union or Member State law, or with binding orders from those entities, bodies or authorities.

The Agency will not transfer your Personal Data outside of the EU.

For more information on transfers of Personal Data carried out by the Agency for these purposes, please contact the Agency's Data Protection Officer, at: [dpo@acer.europa.eu](mailto:dpo@acer.europa.eu).

## How long do we keep your data?

### (a) **Service Provision**

Personal Data processed for **Service Provision** are kept by the Agency for the period deemed strictly necessary to fulfil such purposes. In particular, Personal Data provided in connection with a subscription to the Agency's newsletter are kept until you unsubscribe.

### (b) **Feedback**

Personal Data processed for **Feedback** are kept by the Agency for 5 years, or less if you withdraw your consent earlier. Once consent is withdrawn, these Personal Data will no longer be used for these purposes.

### (c) **Analytics**

Personal Data processed for **Analytics** are kept for 24 months, by the European Commission (providing the Europa Analytics service, which is used to gather those data).

### (d) **Misuse / Fraud Prevention**

Personal Data processed for **Misuse / Fraud Prevention** are kept by the Agency for the period deemed strictly necessary to fulfil such purposes.

### (e) **Compliance**

Personal Data processed for **Compliance** are kept by the Agency for the period required by each legal obligation which led to the collection of the Personal Data in question.

Please note that, in any case, the Agency may continue to store Personal Data for a longer period, as may be necessary for internal auditing and security purposes (including within periodic backups carried out) and, in general, to protect the Agency's interests related to potential liability related to these processing activities.

For more information on the applicable retention periods, please contact the Agency's Data Protection Officer, at: [dpo@acer.europa.eu](mailto:dpo@acer.europa.eu).

## What are my rights? How can I exercise them?

As a data subject, you are entitled, in general, to exercise the following rights before the Agency:

- Access your Personal Data being processed by the Agency (and/or obtain a copy of those Personal Data), as well as information on the processing of your Personal Data;
- Correct or update your Personal Data being processed by the Agency, where it may be inaccurate or incomplete;
- Request the erasure of your Personal Data being processed by the Agency, where you feel that the processing is unnecessary or otherwise unlawful;
- Request the blocking of your Personal Data, where you feel that the Personal Data processed is inaccurate, unnecessary or unlawfully processed, or where you have objected to the processing;
- Exercise your right to portability: the right to obtain a copy of your Personal Data provided to the Agency, in a structured, commonly-used and machine-readable format, as well as the transmission of that Personal Data to another data controller;
- Withdraw your consent to processing of your Personal Data (for **Feedback** purposes, or other situations where your consent is requested).

You may also have a right to **object to the processing of your Personal Data**, based on relevant grounds related to your particular situation, which you believe must prevent the Agency from processing your Personal Data for a given purpose. In particular, you can use this right to opt-out from receiving any further communications regarding Infolash (the Agency's newsletter), also by clicking on the appropriate link included in each communication sent. This right may also apply whenever the Agency relies on the need to perform a task in the public interest as the legal basis for a given processing purpose, e.g., **Misuse / Fraud Prevention** and others (see above – [Why can the Agency use these Personal Data?](#)).

To exercise any of the abovementioned rights, you may send a written request to the Agency, at: [info@acer.europa.eu](mailto:info@acer.europa.eu).

Please note that the above rights may not apply, or may not apply in full, as there may be applicable legal exemptions or restrictions to those rights. This will be assessed by the Agency on a case-by-case basis; if such an exemption or restriction is found to be applicable, you will be informed of the Agency's main reasoning for this.

In any case, please note that, as a data subject, you are entitled to file a complaint with the European Data Protection Supervisor, if you believe that the processing of your Personal Data carried out by the Agency is unlawful. You will suffer no prejudice on account of any such complaints lodged.

## Amendments to this Data Protection Notice

This Data Protection Notice entered into force on 10 December 2018.

The Agency reserves the right to partly or fully amend this Data Protection Notice, or simply to update its content, e.g., as a result of changes in applicable law. These changes will be binding after their publication on the Website. The Agency therefore invites you to visit regularly this Data Protection Notice in order to acquaint yourself with the latest, updated version of the Data Protection Notice, so that you may remain constantly informed on how the Agency collects and uses Personal Data.