

Data Protection Notice

REMIT Investigations

(October 2026)

This Data Protection Notice explains the policy of the European Union Agency for the Cooperation of Energy Regulators (“**Agency**”) regarding your privacy, as well as how your personal information will be handled in the context of investigations performed by the Agency under Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency, as last amended on 5 February 2025 (“**REMIT**”)¹.

1. WHO IS RESPONSIBLE FOR MY PERSONAL INFORMATION?

The Agency is the data controller regarding all personal data processing carried out in the context of REMIT Investigations.

For questions concerning this processing operation, you may contact the data controller at info@acer.europa.eu.

2. TO WHOM DOES THIS NOTICE APPLY?

In the context of this processing activity, the Agency may collect and further process personal data relating to:

- individuals suspected of, or otherwise concerned by, a possible REMIT infringement;
- directors, officers, employees, traders, agents, representatives and other persons associated with entities subject to an investigation or other investigatory measures;
- witnesses, interviewees and other persons from whom information or evidence is obtained;
- persons reporting or otherwise providing information concerning suspected REMIT infringements;
- third parties whose personal data appear in documents, communications, transaction records or other evidence obtained in the course of an investigation;
- legal representatives and other professional or external advisers;
- staff and representatives of national regulatory authorities and other competent national, EU or international authorities involved in, consulted on, or otherwise connected with an investigation;

¹ OJ L 326, 8.12.2011, pp. 1-16.

- external experts, consultants, contractors, interpreters or other persons providing professional, technical or administrative support in connection with an investigation; and
- ACER staff and other authorised users, insofar as their access logs, case notes, decisions, communications or other actions are recorded in the relevant systems or case files.

3. WHAT PERSONAL INFORMATION OF MINE IS BEING COLLECTED?

The categories of personal data which may be processed by the Agency in the context of REMIT Investigations are as follows:

- **Identification data:** First name and surname; date and location of birth; national identification (validity) details (e.g., ID card number, passport number), Energy Identification Code, Bank Identifier Code, Global Location Number, GS1, VAT number, Website URL.
- **IP addresses and access logs:** in the context of any IT applications/tools that may be used by the Agency (see further below)
- **Technical, system and activity data:** obtained for investigatory purposes from systems, platforms, devices, databases or records owned or controlled by market participants or other relevant persons (which may include, for example, system and access logs, user/account identifiers, IP addresses, device and connection information, timestamps, audit trails, transaction or order activity, and/or other records of activity within relevant systems, databases, devices or platforms).
- **Contact details:** postal addresses; email addresses; telephone numbers.
- **Professional and employment data:** Employer; position and responsibilities; department or business unit; regulatory registration details, such as details recorded in national REMIT registers or CEREMP concerning an individual's status as a person responsible for operational or trading decisions, an authorised/designated representative, or another registered contact or responsible person.
- **Reporting and whistleblowing information** for persons submitting notifications: full name, organisation of affiliation, role within that organisation, and professional contact details – unless, where this is permitted, the notification is submitted anonymously. The content of the notification, including supporting documents and evidence submitted, may also contain personal data related to other individuals.
- **Market activity data:** Such as wholesale energy market transactions.
- **Communications data:** Personal data that may be contained in emails; internal correspondence; meeting records; chat messages; telephone records; interview notes, recordings and transcripts.
- **Investigation data:** Personal data that may be contained in requests for information and responses, statements and witness testimony, inspection records, evidence

gathered during investigations, findings regarding involvement in suspected infringements.

- **Data collected when you interact with IT tools used by the Agency in the context of REMIT investigations:** In the context of REMIT investigations, the Agency relies on the REMIT Notification Platform, through which it may receive notifications of potential breaches of REMIT, as well as on the Case Management Tool (CMT).

When a notification triggers the opening of a case, information and data submitted to the Agency via the Notification Platform are subsequently transferred to the CMT, a secure IT system that facilitates cooperation and the exchange of information between the Agency and National Regulatory Authorities (NRAs) in relation to potential REMIT breach cases.

As the assessment or investigation of a potential REMIT breach case progresses, NRAs may provide the Agency with additional information through the CMT, which may include personal data.

For further information on personal data processed with regard to REMIT Information system and CMT please see the relevant [Data Protection Notice on ACER REMIT Information System and CMT](#).

The Agency also relies on a secure file transfer application, for the secure exchange of information, as well as on application(s) to support the review and analysis of information relevant to its investigations.

3.1. Special categories of personal data

In the context of REMIT Investigations, the Agency does not actively seek or require the collection of special categories of personal data, such as information revealing your racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic or biometric data related to you or data concerning your health, and data concerning sex life or sexual orientation.

However, such data may be incidentally received or contained in information, documents, communications, witness statements, notifications, or other evidence submitted to or obtained by the Agency during the course of an investigation.

Where special categories of personal data are processed, the Agency will limit such processing to what is strictly necessary and proportionate for the performance of its investigative tasks and in the context of the processing purposes provided in this Data Protection Notice.

3.2. Personal data related to criminal convictions and offences

Information received or obtained in the context of REMIT assessments or investigations may include personal data relating to suspected offences, infringements, criminal convictions or related security measures, in particular where such information is contained in notifications, evidence, statements, inspection material, or information provided by national regulatory authorities (NRAs) or other authorities.

The relevant statutory tasks and powers of the Agency are established, in particular, by the following provisions:

- Article 7(1) of REMIT – which imposes upon the Agency the task of monitoring trading activities in wholesale energy products, in order to detect and prevent trading based on inside information and market manipulation;
- Article 13(3) of REMIT – which empowers the Agency, in close and active cooperation with the relevant national regulatory authorities, to carry out investigations by exercising the powers conferred on it under Articles 13a, 13b and 13c of REMIT; and
- Article 16 of REMIT – which, notably, obliges national regulatory authorities (and other public authorities at the national level, such as financial authorities) to inform the Agency when they have reasonable grounds to suspect that breaches of REMIT are or have been carried out.

3.3. Sources of personal data

Personal data may be obtained directly from the individuals concerned or from market participants, national regulatory authorities, other competent authorities, persons submitting notifications, witnesses and other persons providing information or evidence. Personal data may also be obtained from regulatory registers, publicly accessible sources and other sources relevant to the Agency's statutory tasks.

4. WHY IS THE AGENCY USING THESE PERSONAL DATA?

The Agency intends to use the personal data mentioned above for one or more of the following purposes:

4.1. Assessment and verification of suspected breaches

To receive, assess and analyse notifications and other information relating to potential infringements of REMIT, as well as determining whether there are sufficient grounds to initiate, pursue or close an investigation.

4.2. Conduct of investigations

To enable the conduct of investigations under Articles 13 to 13j of REMIT, including the collection, review and analysis of information and evidence, the handling of requests for information and documentation, the conduct of interviews and the taking of statements, and the establishment of the relevant facts and circumstances of a case.

4.3. Detection and prevention of market abuse

To detect, investigate and prevent insider trading, market manipulation and other forms of market abuse in wholesale energy markets, to monitor compliance with REMIT obligations, and to contribute to the integrity, transparency and proper functioning of those markets.

4.4. Cooperation and coordination

To facilitate cooperation, coordination and information exchange with National Regulatory Authorities, the European Commission and other competent authorities, particularly in relation to cross-border investigations, enforcement activities and matters requiring coordinated supervisory action.

4.5. Record-keeping and accountability

To maintain investigation records and evidence, document investigative activities and decisions, fulfil legal and regulatory obligations, and demonstrate accountability and compliance with the applicable legal framework.

4.6. Archiving

Where applicable, personal data may be transferred to the Historical Archives of the European Union (HAEU), hosted by the European University Institute in Florence, for the purpose of archiving in the public interest, on the basis of the applicable provisions governing the preservation of the historical archives of the Union.

5. WHY CAN THE AGENCY USE THIS PERSONAL DATA?

The legal basis which the Agency relies on to process these personal data, according to the purposes identified above, is the need to carry out the tasks mandated to the Agency under REMIT. Additionally, processing may be necessary for compliance with Council Regulation (EEC, EURATOM) No 354/83 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community².

Processing of personal data for the mentioned purposes is, as such, necessary to carry out tasks in the public interest, or otherwise to legitimately exercise official authority vested in the Agency, in accordance with Article 5(1)(a) of Regulation (EU) 2018/1725. When the processing involves special category data, the Agency also relies on Article 10(2)(g) of Regulation (EU) 2018/1725.

The relevant tasks and powers of the Agency derive primarily from REMIT, as amended, in particular Articles 7, 13 to 13j, 16, 19 and related provisions concerning market monitoring, investigations, information gathering, cooperation with competent authorities, including authorities from countries outside the EU.

6. WHO CAN SEE YOUR PERSONAL DATA, AND WITH WHOM WILL IT BE SHARED?

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

- Companies, entities or professional firms engaged by the Agency, including other Union institutions or bodies, in order to provide services related to the operation and functionalities of the IT tools used in the context of REMIT investigations, 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;

² OJ L 43, 15.2.1983, pp. 1-3.

- Persons authorised by the Agency to process personal data needed to carry out activities strictly related to the purposes described above, who have undertaken a contractual obligation of confidentiality or are subject to an appropriate legal obligation of confidentiality (e.g., staff members of the Agency); and
- 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.

Where cooperation with authorities outside the European Union is required, personal data may be disclosed to relevant third-country authorities or international organisations on a case-by-case basis, where such disclosure is necessary for the performance of the Agency's statutory tasks and in compliance with the applicable rules governing international transfers of personal data.

Where personal data are transferred to authorities in third countries that are covered by an adequacy decision adopted by the European Commission, the transfer takes place in accordance with Article 47 of Regulation (EU) 2018/1725.

As regards transfers to authorities in third countries that are not covered by an adequacy decision, these limited, non-repetitive transfers may be carried out on the basis of legally applicable derogations.

7. HOW LONG DO WE KEEP YOUR DATA?

Personal data contained in case files shall be retained for 20 years from the time when the file can be considered closed. The file shall be considered closed upon the formal closure of the investigation and, where applicable, the completion of any related judicial proceedings.

Following expiry of the applicable retention period, case files shall be managed in accordance with the Agency's records-management and archiving rules. Documents selected for permanent preservation may be transferred to the historical archives of the European Union, subject to the applicable data protection, confidentiality and access requirements.

8. 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, including obtaining a copy of those personal data, as well as information on the processing of your personal data;
- Correct or update your personal data, where it may be inaccurate or incomplete;
- Request the erasure of your personal data, where you feel that the processing is unnecessary or otherwise unlawful; and
- Request the restriction of the processing of your personal data, where you feel that the processing is inaccurate, unnecessary or unlawful, or where you have objected to the processing.

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. This right may 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.

To exercise any of the abovementioned rights, you may contact the data controller at info@acer.europa.eu. The Agency will reply within one month of receipt of the request or, exceptionally, within three months. The exercise of any of the abovementioned rights is free of charge. The Agency may, however, refuse to act on the request should it be manifestly unfounded or excessive. Should you have any question about the processing of your personal data, you may also contact the Agency's DPO at dpo@acer.europa.eu.

Please note that, in the context of REMIT investigations, the Agency may, where necessary and proportionate, restrict certain data subjects' rights, including the rights to information, access, rectification, erasure and restriction of processing, as well as, where applicable, the communication of a personal data breach and the confidentiality of electronic communications. Such restrictions may be applied to safeguard investigations or related proceedings, or to protect the rights and freedoms of others, in accordance with Article 25 of Regulation (EU) 2018/1725 and Administrative Board Decision No 23/2019 of 12 December 2019.³

Any restriction shall remain in place only for as long as the circumstances justifying it persist and shall be subject to periodic review. The Agency will inform you of the principal reasons for a restriction, unless providing that information would undermine its purpose, in which case such information may be deferred, omitted or denied in accordance with the applicable legal provisions.

In any case, you have the right to lodge a [complaint](#) with the European Data Protection Supervisor (EDPS) if you consider that the processing of your personal data by the Agency infringes Regulation (EU) 2018/1725. You will suffer no prejudice on account of lodging such a complaint.

The EDPS can be contacted at: edps@edps.europa.eu and further contact information is available on its [website](#).

³ Decision No 23/2019 of the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators of 12 December 2019 on internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the Agency, [Decision No 23 - 2019 - Restriction of Data Subject Rights](#).