

# Data Protection Notice

## ACER Website

(27 February 2025)

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 your personal information is handled when you browse this website (“**Website**”) and make use of its features (e.g., the Agency’s newsletter – ACER’s Latest News, the language and accessibility features made available on the Recite Me toolbar, and the free text fields included in the Website).

### 1. 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).

### 2. 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:

#### 2.1 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 (ACER’s Latest News).

#### 2.2 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.

The Agency has implemented the Recite Me toolbar on its website. This toolbar aims to benefit all users by offering them more accessible content on the Agency's website, regardless of their physical and mental abilities, their familiarity with technology, the device they are using, and the environment they are working in. However, using this toolbar does not provide the Agency any indications on users' specific needs (e.g., disabilities). As such, no special categories of Personal Data (such as Personal Data related to users' health) will be actively processed by the Agency in connection with this toolbar.

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.

### **2.3 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.).

## 2.4 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.

If you use the Recite Me toolbar, your IP address, together with other browsing data (e.g., log metrics, user agent, screen resolution, Recite Me version used, the time of requests made, location (country) of the request, information on the browser used by the user, and response code) will also be collected.

## 2.5 Information collected through cookies and other tracking technologies

When you browse the Website or when you activate certain features that are made available on the Website (e.g., the Recite Me toolbar), some Personal Data concerning you may be collected from your device, for example, by means of cookies and other tracking technologies that we use on the Website. For more information on our use of cookies and of other information that is collected from your device, please see our [Cookie Policy](#).

## 3. WHY IS THE AGENCY USING THESE PERSONAL DATA?

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

### 3.1 Website features

To send you the ACER's Latest News (where you have subscribed to this as a service, containing only informative content), to provide you with the language and accessibility features made available through the Recite Me toolbar (where you decide to use it), 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.

### 3.2 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.

### 3.3 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 our [Cookie Policy](#)).

### 3.4 Misuse/fraud prevention

To prevent and detect any misuse of the Website, or any fraudulent activities carried out through the Website. This includes the processing of your Personal Data for security purposes in case you choose to use the Recite Me toolbar (e.g., analysing traffic behaviour and performing security-related operations on malicious IP addresses, identifying repeat offenders based on their IP addresses and blocking/restricting website access to them accordingly).

### 3.5 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.

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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).

## 4. 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:

#### 4.1 Website features

Processing for this purpose is needed to allow the Agency to provide services / features that you request and / or use through the Website. Consent is generally not specifically needed in this case, as the processing of your Personal Data for this purpose is based on the need to respond to a specific request that you have made through the Website.

At the same time, please note that certain Website features will only be activated with your consent. In particular, if you wish to receive our ACER's Latest News newsletter, the Agency will ask for your consent to the processing of your Personal Data for this purpose, which you can provide by filling out the dedicated form with your Personal Data. The Recite Me toolbar will only be activated if you choose to use it, by clicking on the Recite Me icon on the top right corner of the website. You are not required to provide this consent, and any consent given may also be withdrawn at a later stage – however, please note that refusing or withdrawing consent will also stop you from using these features.

#### 4.2 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.

#### 4.3 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 processing 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. For more information, please see our [Cookie Policy](#).

#### 4.4 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.

#### 4.5 Compliance

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

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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.

## 5. 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, accessibility tool 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.

When you browse our Website and make use of its features, your Personal Data will generally not be transferred outside the EU.

However, please bear in mind that, if you choose to use the Recite Me toolbar, your Personal Data will be transferred outside the EU (in particular, to Recite Me, which is based in the UK, and to other third parties on which Recite Me relies for the delivery of the toolbar). Appropriate transfer mechanisms are implemented in order to ensure the lawfulness and security of the transferred Personal Data. For more information on transfers of Personal Data carried out by the Agency for these purposes, please contact the Agency's DPO, at: [dpo@acer.europa.eu](mailto:dpo@acer.europa.eu).

## 6. HOW LONG DO WE KEEP YOUR DATA?

### 6.1 Website features

Personal Data processed in order to allow you to make use of the **Website Features** 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. In general, if you provide consent for the use of a Website feature, your Personal Data will be kept, for this processing purpose, until you withdraw that consent.

## 6.2 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.

## 6.3 Analytics

Personal Data processed for Analytics are kept by the Agency for the period deemed strictly necessary to fulfil such purposes or until your consent is withdrawn. For more information, please see our [Cookie Policy](#).

## 6.4 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. More specifically, please note that if you choose to use the Recite Me toolbar, your personal information that is processed for ensuring the security of the Agency's website and of its users will be stored for 3 (three) months.

## 6.5 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.

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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 DPO, at: [dpo@acer.europa.eu](mailto:dpo@acer.europa.eu).

## 7. 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.

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 ACER's Latest News (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). If you have subscribed to our ACER's Latest News newsletter, you may also withdraw your consent by clicking on the "unsubscribe" button that is placed in the footer of our communications. For more information on how to manage your consent in relation to the use of cookies and to the processing of other Personal Data that is collected from your device, please also see our [Cookie Policy](#).

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.

## **8. AMENDMENTS TO THIS DATA PROTECTION NOTICE**

This Data Protection Notice entered into force on 27<sup>th</sup> February 2025.

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.