

(9) I. Data Protection Notice

AEGIS Electricity and Gas Information System

(11.12.2018)

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 your personal information is handled in the context of the ACER Electricity and Gas Information System (“**AEGIS**”) – including all platforms and applications made available within AEGIS.

Who is responsible for my personal information?

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

To get in touch with the Agency’s Data Protection Officer, please contact: dpo@acer.europa.eu.

What personal information of mine is being collected?

The Agency collects information on the registered users of the platforms and applications made available on AEGIS. Where this information is related to an identified (or identifiable) individual – meaning, a natural person, and not a company or other legal entity – it is considered as “Personal Data”.

The categories of Personal Data which may be processed by the Agency in the context of AEGIS are as follows:

(a) User Data

When you register as a user on AEGIS, you are asked to complete an online form, which involves providing information on yourself, such as your preferred salutation, your name, the organisation you are affiliated with (e.g., Infrastructure Project Promoters, Transmission System Operators, national regulatory authorities), professional contact details (phone number and e-mail) and your reasons for requesting access to the system.

(b) Special categories of Personal Data

The Agency does not, in the context of the operation of AEGIS, autonomously collect or process 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, sex life or sexual orientation.

Given that some areas of AEGIS allow you to submit queries, notifications or other information to the Agency, the Agency asks that you do not disclose any such special categories of Personal Data via AEGIS’s functionalities, unless you believe this to be

strictly necessary for the purposes of your communication to the Agency to be met. 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 managing this notification / query / submission.*”) in the notification, query or other submission 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

In some of the platforms and applications available on AEGIS, you may be able to (inadvertently or not) share Personal Data with the Agency which relates to other persons.

Whenever you, or the organisation you represent, decide to share Personal Data related to other individuals with the Agency, you (or your organisation) will be considered an independent data controller regarding those Personal Data. This means that you (or your organisation) will be held responsible for that decision – as such, you (or your organisation) 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

AEGIS’ operation, as is standard with any websites on the Internet, involves the use of computer systems and software procedures, which collect information about AEGIS’ users as part of their routine operation. While the Agency does not collect this information in order to link it to specific users, it is still 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 AEGIS, 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 ensure the correct operation of AEGIS and identify any faults and/or abuse of AEGIS.

(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 AEGIS

AEGIS uses the following types of cookies:

- Session cookies, which are strictly necessary for the operation of AEGIS, and/or to allow you to use the platforms and applications available on AEGIS;

- Technical cookies, which are used to activate specific functions within AEGIS and to configure AEGIS 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 in AEGIS.

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

Technical name	Cookie type, function and purpose	Duration
cookie_disclaimer	Technical cookie. Keeps track of whether you have accepted the use of cookies or not.	1 year.
JSESSIONID	Session cookie. Keeps track of the account used to login to AEGIS.	Expires upon the user refreshing their browser cache.

The Agency also uses **third-party cookies** – i.e., cookies provided by websites / web servers other than the Website, 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:

- **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 AEGIS via your browser options. Your cookie preferences will be reset if different browsers are used to access AEGIS. 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 set your preferences on third-party cookies by using online platforms such as [AdChoice](#).

CAUTION: If you block or delete **technical cookies** used by AEGIS, AEGIS may become impossible to browse, certain services or functions of AEGIS 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 AEGIS.

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) **User Registration**

To allow you to complete the registration process as a user of one or more of the AEGIS applications, by verifying your identity and affiliation to an authorised organisation, and to access one or more of the AEGIS applications, by assigning access roles to your registered user account.

- If you wish to create a registered user account on AEGIS, it is mandatory to provide the Personal Data requested in the online form provided for this purpose; without these Personal Data, the Agency will not be able to verify your identity or affiliation with an authorised organization and, as such, you will not be able to create a registered user account.

(b) **Request Management**

To manage and respond to inquiries and requests for technical support made by registered users.

- It is not mandatory for Personal Data to be shared when submitting inquiries or requests to the Agency; however, failure to do so may prevent the Agency from adequately responding to your communication (e.g., inquiries submitted without contact details to be responded to).

(c) **Misuse / Fraud Prevention**

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

(d) **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) **User Registration and Request Management**

Processing for these purposes is necessary in order to provide you access to a service you have requested and/or to respond to a request you make in connection with said service. This processing is thus necessary for the Agency in order to perform a contract entered into with you (upon acceptance of the AEGIS [Terms of Use](#) and creation of a registered user account).

(b) **Misuse / Fraud Prevention**

Processing for this purpose is needed for the Agency to prevent and detect fraudulent activities or misuse of AEGIS, thereby ensuring the integrity and availability of AEGIS. 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.

(c) **Compliance**

Processing for this purpose is necessary 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 in order to perform 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**"):

- 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 AEGIS and its applications / platforms (e.g., maintenance, infrastructure, certificate provisioning, service desk support), 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 purposes described above, 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.

How long do we keep your data?

Users are prompted by the Agency to update Personal Data relating to registered users' accounts annually.

Personal Data relating to registered users' accounts are deleted 2 years after the last action of the user on the account.

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 this processing.

For more information on the applicable retention periods, please contact the Agency's Data Protection Officer, at: 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.

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, e.g., **Misuse / Fraud Prevention** and others (see above – [Why can the Agency use these Personal Data?](#))

Your AEGIS user account can be accessed in order to access, correct, update or erase some of your Personal Data (e.g., salutation, name, professional phone number), although not all Personal Data submitted can be amended, updated or erased by this means, for security purposes.

Other than the above, to exercise any of the abovementioned rights, you may send a written request to the Agency, at aeGIS.admin@acer.europa.eu. Additionally, you may rely on functional mailboxes which may be made available on AEGIS applications during particular exercises for this purpose.

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 11.12.2018.

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 AEGIS Portal. 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.