



EUROPEAN MEDICINES AGENCY
SCIENCE MEDICINES HEALTH

21 July 2020
EMA/330262/2020

European Medicines Agency's Privacy Statement For the use of Microsoft Teams and SharePoint Online pilot users

This Privacy Statement explains the most essential details of the processing of personal data by the European Medicines Agency (hereinafter "EMA" or "Agency") in the context of the use of Microsoft Teams (Teams) and SharePoint Online (SPO), products of the Microsoft Corporation, being used by the Agency and invited external users (e.g. NCA staff, experts) as a collaboration and communication platform to exchange information with each other and work on draft documents.

This privacy statement only applies to the above-mentioned Microsoft products. Personal data processing related to other uses of Microsoft products at EMA are addressed in separate privacy statements.

You can find more information in the [EMA Teams user guide](#).

1.1. Who is the data controller?

EMA is ultimately responsible to comply with your data protection rights and freedoms. On behalf of EMA, the Head of Information Management Division is appointed as 'Internal Controller' to ensure the lawful conduct of this processing operation.

You may contact the Internal Controller via the following email address:

DWP.DataProtection@ema.europa.eu.

1.2. Who is the data processor?

The Agency engages a third-party contractor to process data on behalf of the Agency and, in particular, to allow participants to access and use EMA's Teams and SPO platforms.

The contact details of the data processor(s) are the following: Microsoft Corporation ("Microsoft"),
Attn: Chief Privacy Officer, 1 Microsoft Way Redmond, WA 98052 USA.

A list of Microsoft's current sub processors is available at <https://aka.ms/servicesapprovedsuppliers>

2. Purpose of this data processing

The purpose of this data processing activity is to allow participants to access and use communication and collaboration functionality in the context of performing Agency tasks, including:

- Communication and collaboration using Microsoft Teams;

Official address Domenico Scarlattilaan 6 • 1083 HS Amsterdam • The Netherlands

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- Collaboration on documents using Microsoft SharePoint Online;
- Use of integrated Office 365 functionality within these tools.

2.1. Personal data concerned

In this processing operation we process data directly collected from you when you access the Microsoft Teams and/or SharePoint Online (SPO) services. When you access and use EMA's Teams and SPO platforms, personal data (as listed in this section) will be processed by EMA and Microsoft as data processor. Such data may include the following:

- Username, e-mail address, IP address and profile photo of each authorised user (if applicable);
- Any content shared by users, including chat messages (one-to-one as well as group messages) and any other personal information, voluntarily posted on the platform;
- Audio and video calls in Microsoft Teams (but these are processed only 'real time' and no recording is retained unless consent is given in advance);
- All 'customer data' collected in the Teams and SPO platforms are stored and protected on Microsoft servers located in the European Union. Customer data is all data, including text, sound, video or image files, and software that you provide to Microsoft or that's provided on your behalf through your use of Microsoft enterprise online services. It includes customer content, which is the data you upload for storage or processing and apps you upload for distribution through a Microsoft enterprise cloud service. For example, customer content includes Teams or SharePoint Online site content, or instant messaging conversations.

Access to EMA's Teams and SPO platforms is restricted to users with a valid Agency e-mail address and those who have been granted a guest license, from the NCA, international partners and Expert communities. To join this closed network, users must access the system using their EMA Account username and password.

When you access and use EMA's Teams and SPO platforms, your personal data will be collected and processed. Staff members, contractors, EU Network and other approved users must agree to comply with the [EMA Teams governance](#) and [user guide](#) before using Teams and SPO for the first time.

In particular, it is essential for users to be aware that EMA's Teams and SPO platforms are not suitable for posting or discussing sensitive documents or topics. Users must not upload commercially confidential or restricted information to these services.

2.2. Legal basis of the processing

The use of Microsoft Teams is necessary for the day-to-day functioning and management of the Agency, as mandated by EMA's Founding Regulation (EC) No 726/2004 and other Union pharmaceutical legislation).

Collaboration and/or communication over Teams and/or SPO is necessary for the performance of the Agency tasks carried out in the public interest as required by Regulation (EC) No 726/2004, Directives 2001/83/EC and 2001/82/EC and other applicable Union legislation. Data processing is based on Article 5(1)(a) i.e. that this is necessary for the performance of EMA's task in the public interest.

2.3. Transfer of personal data outside of EU

As regards the location of personal data for Core Online Services (Office 365 included), all customer data (i.e. data provided to Microsoft by EMA, including the content of any file and communication) are stored within the EU/EEA at rest.

Microsoft may temporarily give access to technical staff located outside EU/EEA for technical maintenance. To guarantee compliance with Regulation (EU) 2018/1725, this should happen in line with instructions provided by DIGIT as regards to the common agreement and terms of use between the European Institutions and Microsoft.

In addition, Microsoft does not control or limit the regions from which the customer or its end users may access or move customer data. Therefore, in case an end user travels outside the EU/EEA and uses the services, personal data may be processed outside the EU/EEA to enable the user access to the online services from their location.

Microsoft has implemented measures for data transfers (e.g. Standard Contractual Clauses embedded in the Online Services Terms and additional GDPR-specific clauses in the Online Services Terms).

3. How long do we keep your data?

Your personal data (username, e-mail address, if applicable IP address and profile photo, as well as customer data not falling under any retention period below) will remain in the database until your EMA account has been deactivated, after which they will be deleted from Microsoft's servers after a 90-day retention period. Deactivation occurs for staff and contractors based on the date of their departure from the Agency, for external users after 6 months of inactivity and after 14 months for experts.

Audio and video calls in Microsoft Teams (are processed only 'real time' and no recording is retained).

Special attention is brought to the retention period of Microsoft Teams ad-hoc chats (one-to-one as well as group messages). Only individual messages in the chats can be deleted by the message author and on a message-by-message basis, not per conversation. The remaining chat history is automatically deleted after 6 months (see [governance document](#)).

As explained in more detail in Section 13.2 of the [governance document](#), the following specific retention periods apply to personal data included in any of the below data categories:

Data	Retention period
All data within a Team site (chat, channels, content)	Retained until deletion of the site. Team sites that are inactive for more than 60 days are flagged to the Team owner for deletion.
Ad-hoc (private) chats	Chat messages older than 6 months are deleted
Messages within Team sites and channels	Messages older than 24 months are deleted
Files shared on an ad-hoc basis, e.g. in ad-hoc chats	Retained until deleted by the recipient in OneDrive
Files shared within a Teams site (underlying SharePoint library)	Retained until 6 months after the site is deleted.

Data	Retention period
Corporate records, i.e. files related to decisions or other files that may need to be referred to in future.	Retained on the Agency's approved document management system in line with the policy applicable to that system.

4. Who has access to your information and to whom is it disclosed?

The data collected will be processed internally by staff within the EMA Division responsible for Microsoft Teams and SharePoint Online and by Microsoft, for the purposes of providing the service.

EMA's Teams and SPO platforms are private and accessible only to active Agency staff, contractors and approved Experts, EU Network users and international partners with a valid EMA Account. Only approved, invited participants are allowed to use it within strict controls (see [governance document](#)).

All colleagues who have joined a particular Teams site can see activity approved within their permissions, which may include your posts, your replies to comments, your 'likes', etc. Permissions are configured on a site-by-site basis by the Teams site owner and can be set at a team, channel or chat level.

Messages sent to individual users using the chat functionality can be seen only by the recipient and potentially by network administrators (see following note).

A defined population of approved EMA network administrators from within the Agency's Information Management Division (I-Division) and Information Security Service (DED-INS) can temporarily access all exchanges made within the Teams and SPO platforms if there is a legitimate reason to do so, e.g. for the purpose of providing technical support and compliance with applicable terms of use and EMA's code of conduct, for instance to investigate reports of harassment. This includes exchanges in chats that the administrator is not a member of, as well as messages sent using the chat functionality. You should therefore assume that nothing you share on Teams and SPO platforms is guaranteed to be private.

In this regard, please refer to the [EMA rules in administrative enquiry and disciplinary processing](#), as well as the EMA Management Board '[Decision 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](#)'.

Information collected on Teams and SPO may, where necessary, be transmitted to the bodies in charge of monitoring or inspection tasks in accordance with European Union legislation.

No personal data are transmitted to parties outside the scope mentioned herein, and neither Microsoft nor EMA share personal data with any other third party for any other purpose (e.g. direct marketing).

5. Your data protection rights

As data subject (i.e. the individual whose personal data is processed), you have a number of rights:

- **Right to be informed** – This Privacy Statement provides information on how EMA collects and uses your personal data. Requests for other information regarding the processing may also be directed to the Internal Controller.
- **Right to access** – You have the right to access your personal data. You have the right to request and obtain a copy of the personal data processed by EMA.

- **Right to rectification** – You have the right to obtain - without undue delay - the rectification or completion of your personal if it is incorrect or incomplete.
- **Right to erasure** – You have the right to require EMA to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing. In certain cases your data may be kept to the extent it is necessary, for example, to comply with a legal obligation of the Agency or if it is necessary for reasons of public interest in the area of public health.
- **Right to restrict processing** – In a few, codified cases, you have the right to obtain the restriction of the processing, meaning that your data will only be stored, but not actively processed for a limited period of time. For more information about this right and its limitations, see the EMA General Privacy Statement, hosted at www.ema.europa.eu/en/about-us/legal/privacy-statement.
- **Right to object** – You have the right to object at any time to this processing on grounds related to your particular situation.

The rights of the data subject can be exercised in accordance with the provisions of Regulation (EU) 2018/1725. For anything that is not specifically provided for in this privacy notice, please refer to the contents of the general EMA Privacy Statement: www.ema.europa.eu/en/about-us/legal/privacy-statement

6. Recourse

In case you have any questions regarding the processing of your personal data, or you think that the processing is unlawful or it is not in compliance with this Privacy Statement or the general EMA Privacy Statement, please contact the **Internal Controller** at DWP.DataProtection@ema.europa.eu or the **EMA Data Protection Officer** at dataprotection@ema.europa.eu.

You also have the right to lodge a complaint with the **European Data Protection Supervisor (EDPS)** at any time at the following address:

- Email: edps@edps.europa.eu
- Website: www.edps.europa.eu
- Further contact information: www.edps.europa.eu/about-edps/contact_en