



EUROPEAN COMMISSION

Hearing Officer for competition proceedings

PRIVACY STATEMENT

Protection of personal data in the context of oral hearings in competition law cases before the European Commission

1. OVERVIEW

Oral hearings in antitrust and merger control proceedings before the European Commission ('Commission') involve the processing of personal data (information relating to identified or identifiable individuals).

The individuals whose personal data are processed in this context have rights under [Regulation \(EU\) 2018/1725](#).¹

Before identifying the relevant [data protection rights](#) and providing the [contact details](#) of the [data controller](#) and the [data protection officer](#), this privacy statement describes the:

- different [types of processing](#) involved;
- [purposes and legal basis](#) of this processing;
- [types of personal data](#) processed;
- categories of [individuals concerned](#);
- categories of [recipients](#) of the personal data concerned;
- applicable [data retention periods](#); and
- [safeguards](#) that apply to the storage and use of the personal data.

2. WHY AND HOW PERSONAL DATA ARE PROCESSED FOR ORAL HEARINGS

Oral hearings allow parties to which the Commission has addressed a statement of objections in the context of antitrust or merger control proceedings to develop the arguments that they have made in writing in response to those objections.

The [Hearing Officer for certain competition proceedings](#) ('Hearing Officer') is responsible for organising and conducting these oral hearings.² This is a task carried out in the public interest and in the exercise of official authority (within the meaning of Article 5(1)(a) of Regulation (EU) 2018/1725). It requires the collection and use of certain types of personal data, as described below. It does not involve automated decision-making.

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

² Articles 10 and 11 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings, OJ L 275, 20.10.2011, p. 29.

2.1. Lists of participants

The entities that take part in oral hearings ('Participating Entities') are:

- addressee(s) of the Commission's statement of objections;
- any invited third parties (such as complainants or interested third persons);
- relevant authorities of the EU Member States;
- relevant teams within the Commission; and
- in cases concerning the Agreement on the European Economic Area (EEA), the EFTA Surveillance Authority (and possibly the relevant authorities of Iceland, Liechtenstein and/or Norway).

The Hearing Officer draws up a list of individuals planning to attend the oral hearing. Before the oral hearing takes place, the Hearing Officer emails this list to the Participating Entities. The list of participants is also used to produce badges with name cards for individuals attending the oral hearing in person. Participants are requested to return them at the end of the oral hearing, after which the name cards are destroyed.

2.2. (Draft) agendas

Before the oral hearing, the Hearing Officer draws up an agenda and distributes this (sometimes in draft form) to the Participating Entities. The agenda typically mentions those individuals who intend to give presentations.

2.3. Security clearance for access to the oral hearing venue

Individuals other than Commission personnel must provide certain personal data in order to access Commission buildings. To facilitate access to the oral hearing venue for participants who attend in person, the Hearing Officer obtains in advance, on behalf of the Commission team responsible for security and access to buildings, certain personal data concerning those individuals.

When inviting Participating Entities other than the relevant Commission teams, authorities of the EU Member States and EFTA Surveillance Authority to the oral hearing, the Hearing Officer encloses a 'List of individuals participating at the hearing', requesting names and email address data. The data of individuals participating in the oral hearing in person is entered into the Commission's V-Pass system for visitor access to Commission buildings, so that they receive an access code to the venue. Any additional personal data will be entered by the visitor(s) themselves when they register and will be processed by the Commission's security services, unit DS.3 of the [European Commission Directorate-General for Human Resources and Security](#) (the 'Technical Security Unit'). For more details, see record [DPR-EC-00655.3](#).

2.4. Remote participation in certain oral hearings

The Hearing Officer may offer participants several ways to connect and follow the oral hearing remotely, using videoconferencing and web-streaming software. Links to the relevant software are sent to the participants for them to log in. Depending on the access method, remote participants

may be asked to log in using their names, which would be visible on-screen to all participants. See, for more detail, records [DPR-EC-00306.1](#), [DPR-EC-05006.4](#) and [DPR-EC-07006.2](#).

2.5. Recordings of the oral hearing

A recording of the oral hearing forms part of the record of proceedings and becomes part of the Commission file in the case concerned. It is made available on request to the addressees of the statement of objections and other participants after the oral hearing has taken place. It may also be made available on request to services within the Commission dealing with the case concerned and national authorities in their capacity as members of the Advisory Committee connected with the case concerned.

Where the language used for (parts of) an oral hearing is other than English, the recording retained and made available as described above includes all the languages spoken at the oral hearing, including the interpretation into other languages (or the relevant parts of it).

3. TYPES OF PERSONAL DATA CONCERNED

3.1. Names, titles and details of occupation

Individuals' names, titles and details of their occupations are included in the list of participants and (draft) agendas. Names and entities represented also feature in the video recording of an oral hearing. Names are also required for the badges with name cards for all individuals attending the oral hearing in person.

3.2. Recordings

Individuals' voices and images are part of the recording of the oral hearing.

3.3. Email addresses

(Professional) email addresses are used for the pre- and post-oral hearing exchanges.

4. RECIPIENTS

Each of the Participating Entities has access to or receives the (draft) agenda and list of participants.

On request, each of the Participating Entities receives a copy of the recording of those parts of the oral hearing in which the entity concerned was entitled to participate.

The Hearing Officer receives completed 'List of individuals participating at the hearing' documents. The names and email addresses of those attending the oral hearing in person are encoded in the Commission's V-Pass system, which is managed by the Technical Security Unit, which is the data controller in respect of personal data obtained by this system.

5. RETENTION PERIODS

5.1. Personal data on the case file

Agendas and lists of participants distributed for the purposes of oral hearings form part of the Hearing Officer's file in the proceedings concerned. To the extent that the [European Commission Directorate-General for Competition](#) has received these documents, they are also part of the Commission's file in the proceedings concerned. The recording of an oral hearing is both part of the Hearing Officer's file and of the Commission's file in relation to the proceedings concerned.

These files remain open until the proceedings concerned have definitively come to an end. After closure, these files are in principle kept for an 'administrative retention period' of two years before being transferred in electronic form to the Commission's historical archives.³

5.2. Personal data transferred to the Technical Security Unit

The Technical Security Unit retains personal data submitted for V-Pass in accordance with the Commission's rules on visitor management services.

6. SAFEGUARDS

6.1. General

The oral hearing is not public. Any information, including personal data, produced for or imparted during an oral hearing is received by a closed category of recipients. These recipients can use such information only for the purposes of the relevant Commission proceedings or related litigation.

The personnel of the Commission and the relevant national authorities in antitrust and merger control proceedings before the Commission are under an obligation of professional secrecy. They must handle personal data with due care.

Commission personnel are permitted to access files in antitrust and merger control proceedings only if they have a legitimate need for such access.

The Commission stores electronic data securely, in accordance with [Commission Decision \(EU, Euratom\) 2017/46](#).⁴

6.2. Personal data transferred to the Technical Security Unit

When issuing invitations to the oral hearing, the Hearing Officer encloses a 'List of individuals participating at the hearing', requesting names and email address data. The data of individuals participating in the oral hearing in person is entered into the Commission's V-Pass system for visitor access to Commission buildings, so that they receive an access code to the oral hearing

³ See the Common Commission-level retention list for European Commission files – third revision, SEC(2022)400, dated 26 March 2024, and in particular section 10.1 of Annex 1.

⁴ Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission, OJ L 6, 11.1.2017, p. 40, corrigendum OJ L 261, 11.10.2017, p. 31.

venue. Any additional personal data will be entered by the visitor(s) themselves when they register and will be processed by the Commission's security services, the Technical Security Unit.

7. RIGHTS OF 'DATA SUBJECTS'

[Regulation \(EU\) 2018/1725](#) grants individuals whose personal data are processed in the context of oral hearings in principle⁵ the rights, in particular, of:

- access to their personal data (Article 17); and
- rectification of these data where they are inaccurate (Article 18).

Under certain circumstances, these individuals have the rights to:

- erasure by the data controller of their personal data (Article 19); or
- restriction of processing of these data (Article 20).

These individuals also have the right to object at any time, on grounds relating to their own particular situations, to the processing, in the context of oral hearings, of personal data concerning them (Article 23).

8. COMMENTS, QUERIES, REQUESTS AND COMPLAINTS

Comments, queries, requests and complaints concerning the processing of data in the context of oral hearings can be addressed to the Hearing Officer, at the email address indicated below. Where the processing of data obtained by the Technical Security Unit by means of the V-Pass system is concerned, the Hearing Officer may transfer the relevant comment, query, request or complaint to that unit (see above).

If they are dissatisfied with the response(s) of the Hearing Officer (or, as the case may be, of the Technical Security Unit), individuals can also contact the [Data Protection Officer of the European Commission](#).

8.1. Contact details

8.1.1. Data controller

Hearing Officer for competition proceedings
hearing.officer@ec.europa.eu

8.1.2. Data protection officer

Data Protection Officer of the Commission
data-protection-officer@ec.europa.eu

⁵ Outside the context of the organisation of the oral hearing, individuals whose personal data are processed in the context of Commission investigations or proceedings in the field of competition may have more limited data protection rights. See in particular [Commission Decision \(EU\) 2018/1927](#) of 5 December 2018 laying down internal rules concerning the processing of personal data by the European Commission in the field of competition in relation to the provision of information to data subjects and the restriction of certain rights, OJ L 313, 10.12.2018, p. 39.

8.2. Complaints to the European Data Protection Supervisor

Individuals have the right, if matters cannot be resolved to their satisfaction with the Hearing Officer or with the Data Protection Officer of the Commission, to lodge a complaint with the European Data Protection Supervisor. Details are available at https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en.