

Information on the processing of personal data carried out by the National Data Protection Commission (CNPD) for the handling of complaints submitted under the EU-US Data Privacy framework (DPF) related to the violation of the DPF by US organisations

### **1. Data controller**

The CNPD is the controller of the personal data processed for the handling of complaints under the EU-US Data Privacy Framework (hereinafter the “EU-US DPF”) submitted directly to it via the complaint form (“*Complaint form for submitting commercial related complaints to EU DPAs*”).

The contact details of the CNPD are the following:

National Data Protection Commission

15, Boulevard du Jazz

L-4370 Belvaux

Tél. : (+352) 26 10 60 - 1

Fax. : (+352) 26 10 60 - 6099

E-mail: [info@cnpd.lu](mailto:info@cnpd.lu)

### **2. Purposes of the processing and legal basis for the processing**

According to recital 68 of the decision of the European Commission on the adequate level of protection of personal data under the EU-US Data Privacy Framework<sup>1</sup>, the EU-U.S. DPF provides data subjects with a number of possibilities to enforce their rights, lodge complaints regarding non-compliance by EU-U.S. organisations with the DPF and to have their complaints resolved, if necessary by a decision providing an effective remedy.

According to recitals 73 and 77 of the decision of the European Commission on the adequate level of protection of personal data under the EU-US Data Privacy Framework, individuals have the possibility, among others, to lodge a complaint directly with their national data protection authority (DPA) in the EU. In Luxembourg the competent DPA is the CNPD.

The processing of personal data carried out by the CNPD to handle these complaints is necessary for the performance of a task carried out in the public interest [Article 6, paragraph 1, point e) of the General Data Protection Regulation - GDPR].

### **3. Personal data processed**

The following categories of personal data are collected through the complaint form where necessary:

*Identifying data and contact details*

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<sup>1</sup> [Commission Implementing Decision of 10.7.2023 pursuant to Regulation \(EU\) 2016/679 of the European Parliament and of the Council on the adequate level of protection of personal data under the EU-US Data Privacy Framework](#)

Name, preferred contact (phone number, e-mail address or mailing address), personal data used by the US company to identify the complainant (for instance name, e-mail address or username).

#### Subject matter of the complaint

The form contains sections to specify:

- The name of the company that has transferred the personal data from the EU (if known) and the name of the company in the US possibly involved in the transfer (recipient of the personal data),
- the nature of the alleged infringement of the EU-US DPF (subject matter for which a remedy is sought),
- a description of the measures taken by the complainant, including previous contacts with the companies involved (if any).

#### Supporting documents

The complainant has the possibility to provide previous correspondence related to the subject matter of the complaint (in most case, it is advisable to contact the companies involved before submitting a complaint).

#### **4. Categories of recipients of the personal data**

At the CNPD level, access to the complaints is limited to CNPD's Commissioners and staff members authorized to receive and to follow-up on such complaints.

To ensure the confidentiality of the personal data processed, the CNPD uses a virtual safe service (CFE) provided by SeeZam S.A. (60A, rue de Bettembourg L-5811 Fentange). SeeZam S.A. has no access to the personal data processed in the CFE allocated to the CNPD and does not have the possibility to identify the complainant by its own technical means.

Where the "Informal Panel of EU data protection authorities" is competent to handle a complaint, the complaint will be shared with the EU data protection authorities participating in the panel<sup>2</sup>.

Also, the handling of the complaint might require transferring personal data to the concerned US company and/or competent US-authorities (US Department of Commerce - DoC, US Federal Trade Commission - FTC, US Federal Transportation Authority - FTA).

If such transfer turns out to be necessary to handle the complaint, the complainant will be specifically informed before the personal data is transferred and will be given the opportunity to decide if they wish to proceed.

In any event, the personal data contained in a complaint submitted to the CNPD will be disclosed only if they are necessary for handling the complaint.

#### **5. Storage duration**

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<sup>2</sup> The complaint will then be handled in line with the EDPB's [Rules of Procedure for the "Informal Panel of EU DPAs" according to the EU-US Data Privacy Framework](#).

Personal data transmitted with the complaint form as well as personal data contained in the supporting documents are kept by the CNPD for a period of ten years from the date of closure of the complaint file.

This retention periods correspond to the “duration of administrative usefulness” defined by the CNPD in line with the Act of 17 August 2018 on public archiving.

## **6. Rights of the data subjects**

You have the right to access your personal data and to obtain a copy of it (Article 15 of the GDPR), to obtain the rectification of inaccurate or incomplete personal data (Article 16 of the GDPR), to object to the processing of your personal data under the conditions laid down in Article 21 of the GDPR, to obtain the erasure of your personal data under the conditions laid down in Article 17 of the GDPR, and to obtain the restriction of the processing under the conditions laid down in Article 18 of the GDPR.

For any queries regarding the exercise of your rights, you can contact the data protection officer (DPO) of the CNPD. Please find below the DPO’s contact details (point 7).

## **7. Contact details of the data protection officer (DPO)**

For any questions regarding the processing of personal data carried out by the CNPD in relation to the handling of your complaint, you can contact the DPO of the CNPD by e-mail ([dpo@cnpd.lu](mailto:dpo@cnpd.lu)) or by post:

Commission nationale pour la protection des données  
A l’att. du délégué à la protection des données  
15, Boulevard du Jazz  
L-4370 Belvaux  
Tél. : (+352) 26 10 60 -1

## **8. Complaint**

If you consider that the processing of your personal data by the CNPD infringes the General Data Protection Regulation, you can lodge a [complaint with the CNPD](#).