

Decision of the President of the Boards of Appeal of 28 February 2025 appointing the Data Protection Co-ordinator of the Boards of Appeal in the framework of the Independent Oversight Mechanism

The President of the Boards of Appeal,

Having regard to decision CA/D 5/21 introducing a new data protection framework at the European Patent Office, and in particular Article 32a, paragraph 7, of the Service Regulations for permanent and other employees of the European Patent Office (hereinafter referred to as "Service Regulations") and Article 2, paragraph 6, of the Implementing Rules for Articles 1b and 32a Service Regulations (hereinafter referred to as "Data Protection Rules"),

Having regard to the decision CA/D 19/24 laying down an independent oversight mechanism for the processing of personal data by the Boards of Appeal in their judicial capacity (OJ EPO 2025, A2; hereinafter referred to as "Independent Oversight Mechanism"), in particular Article 2, paragraph 7, thereof,

Considering that all terms and pronouns referring to persons in this decision apply irrespective of gender,

Has decided as follows:

Article 1

1. The Director Administrative Services of the Boards of Appeal is appointed to act as the Data Protection Co-ordinator of the Boards of Appeal.
2. If the Director Administrative Services of the Boards of Appeal is absent or indisposed, their deputy shall act as the Data Protection Co-ordinator of the Boards of Appeal.

Article 2

1. The present decision shall apply only to the processing of personal data by the Boards of Appeal in their judicial capacity.
2. The responsibilities and operational tasks that would normally be attributed to the delegated controller under the Data Protection Rules are attributed, *mutatis mutandis*, to the Data Protection Co-ordinator of the Boards of Appeal. The Data Protection Co-ordinator of the Boards of Appeal will, *inter alia*:
 - (a) co-ordinate the application of the Data Protection Rules in appeal proceedings;
 - (b) act as the central point of contact for requests concerning the application of the Data Protection Rules in the context of the processing of personal data by the Boards of Appeal in their judicial capacity;
 - (c) be responsible for the preparation and accuracy of the data protection documentation and put in place the security and organisational measures to ensure compliance with the Data Protection Rules.
3. When taking decisions under the Independent Oversight Mechanism, the Data Protection Co-ordinator of the Boards of Appeal shall have due regard to the fundamental principle of judicial independence and to the prevalence of provisions of the European Patent Convention over the provisions of the Data Protection Rules and the Independent Oversight Mechanism.

Article 3

This decision enters into force on 1 March 2025.

Done at Haar, 28 February 2025

The President of the Boards of Appeal

A handwritten signature in dark ink, consisting of a large, sweeping loop followed by a long, horizontal, slightly wavy line.

Carl Josefsson