

From: EC E-MAIL AUTOMATED NOTIFICATION (NOREPLY) (EC) <automated-notifications@nomail.ec.europa.eu>
To: DATA-BREACH-NOTIFICATION <DATA-BREACH-NOTIFICATION@edps.europa.eu>
CC: [REDACTED]
Sent at: 24/11/22 10:07:33
Subject: Webform submission from: Personal data breach notification form

Submitted on Thu, 11/24/2022 - 09:59

Submitted by: Anonymous

Submitted values are:

General

A.1 Type of notification

Comprehensive

A.3 Registration number of data breach in your register

Yes

Reg. No

22/07

B. Data Controller EUI

B.1 Name of the organization (EUI)

European Ombudsman

B.2 Address

1 avenue du President Robert Schuman
CS 30403
F - 67001 Strasbourg Cedex

B.3 Contact person

B.4 Telephone

B.5 Email

B.6 Data protection officer

B.7 Telephone

B.8 Email

C. Data Processor

Indicate if the data breach was reported by the processor

No

Data Breach Information

D.1 Briefly explain the incident and how the data breach was detected

On 31 October 2022, [REDACTED], a complainant of the EO, requested access to his personal data in relation to complaints previously submitted by him. On 17 November 2022, the EO office replied to [REDACTED] and sent him a link to download a zip file containing the documents. The download was protected by a password sent in a separate e-mail. The documents included copies of the complaints and annexes submitted to the EO office by [REDACTED] himself, as well as the Commission's reply in another complaint he had submitted. On 21 November 2022 at 11:15 AM, the EDP services informed the EO DPO that [REDACTED] had approached them because he had received a document that concerned a complaint submitted by a different complainant. The complaint reference in the filename of the document corresponded to the same complaint number but from a different year. The complaint which was leaked concerned the European Commission's failure to open infringement proceedings against Germany concerning the refusal of the recognition of a same-sex marriage and change of family name - [REDACTED]. It was closed on 13 January 2020. The document leaked to [REDACTED] contained personal data such as the complainant's contact details and information about his sexual orientation.

D.2 Security criteria affected

I. Confidentiality - (potential) unauthorized disclosure or access

D.4 Detection date

2022-11-21

Local time

11:15

D.5 Notification date

2022-11-24

Local time

10:01

D.6 If more than 72 hours have passed between detection and notification, explain why you did not notify in time

Not applicable

D.7 Who was informed/involved in the incident

The EO DPO, the Director of Inquiries, the Director for Administration, the Head of process and documents management, Business Continuity and Infrastructure, the EDPS services [REDACTED]. The complainant [REDACTED] and the complainant whose personal data were disclosed.

D.8 Categories of personal data affected

The contact details (first and last names, private mail address) and data concerning the sexual orientation of the complainant whose personal data were disclosed.

D.9 Approximate number of personal data affected

1-10

D.10 Category of persons affected

EU citizen

D.11 Approximate number of Persons affected

One

D.12 Likely or actual consequences of the data breach for the data subjects

Personal data on the data subject's sexual orientation were disclosed. We cannot exclude that [REDACTED] decides to contact the complainant whose data was leaked. This risk in itself required that the complainant in question is informed of the situation.

D.13 Estimation of the risk to the rights and freedoms of natural persons

Risk

D.14 Briefly explain how the assessment of the risk to the rights and freedoms of natural persons was done

No high risk to the rights and freedoms of the affected individual is identified because the complainant whose data was leaked manifestly intended to make the issues contained in his complaint to the Ombudsman public. He for instance engaged very openly and under his real name on social media about the infringement case he logged with the European Commission (Twitter). He also mentioned that case in a reply to the European Commission's Facebook publication regarding the 2020 State of the European Union speech (22 September 2020).

D.15 Have you informed the persons affected about the breach

Yes

If yes, when

2022-11-23

Please provide a copy of the information you sent to the affected persons about the breach

[email notification Data subject.pdf](#)

D.16 Action measures to address the risk and to limit its impact

The link that was made available to ██████ for the download of documents was interrupted and the possibility to download the wrong document ceased on 21 November 2022 at 16:00. A corrected set of documents was sent to ██████

D.17 Launch of a formal security incident process

No

If no, motivate why not

The security incident which led to the data breach is due to an human error.

D.18 Root cause of the data breach

Human error

To: [REDACTED]
Cc: DPO Euro-Ombudsman
Subject: Beschwerde 2162/2019 - Datenschutzverletzung

Sehr geehrter Herr [REDACTED]

Ich beziehe mich auf ihre Beschwerdeschreiben, das am 27. November 2019 beim Europäischen Bürgerbeauftragten eingegangen ist. Leider ist uns bei der Bearbeitung eines Antrages eines anderen Beschwerdeführers [REDACTED] ein Fehler unterlaufen, der zu einer Datenschutzverletzung geführt hat. Wir wurden am Montag den 21. November 2022 vom Europäischen Datenschutzbeauftragten ([https://edps.europa.eu/ de](https://edps.europa.eu/de)) darüber informiert.

Infolge dieses Fehlers, wurde Ihr Beschwerdeschreiben vom 27. November 2019 (17 Seiten) irrtümlicherweise an [REDACTED] geschickt. [REDACTED] hat die Tatsache umgehend dem Europäischen Datenschutzbeauftragten gemeldet, der uns daraufhin informierte.

Wir haben [REDACTED] natürlich aufgefordert, das Dokument zu löschen, falls er es aufbewahrt hatte. Er teilte uns gestern Abend (22.11.2022) mit, dass er das Dokument gelöscht habe.

Ich wurde beauftragt den Sachverhalt zu untersuchen und es ist nun klar, dass Ihre Beschwerde 2162/2019 mit der Beschwerde [REDACTED] 2162/2021 durch einen Eingabefehler in unser System verwechselt wurde. Dies geschah bei der Bearbeitung zahlreicher Dokumente die [REDACTED] in einem Vorgang gesendet werden sollten.

Wir bedauern dies sehr und möchten uns bei Ihnen für diesen Fehler entschuldigen. Wir werden diesen Fall natürlich intern untersuchen und sicherstellen, dass unsere Verfahren solche Fehler nicht mehr zulassen. Wir sind außerdem verpflichtet, unseren internen Datenschutzbeauftragten (in Kopie dieser E-Mail) über diese Angelegenheit auf dem Laufenden zu halten. Dies gilt auch für den Europäischen Datenschutzbeauftragten, der bereits über die fragliche Datenverletzung informiert ist.

Gerne stehe ich ihnen für Fragen, auch telefonisch, zur Verfügung. Ich habe versucht Sie gestern Abend und heute Morgen telefonisch zu erreichen. Unsere Datenschutzbeauftragte ist unter folgender E-Mail Adresse erreichbar DPO-Euro-Ombudsman@ombudsman.europa.eu.

Mit freundlichen Grüßen,

[REDACTED]



[REDACTED]
[REDACTED]
[REDACTED]
European Ombudsman
Process & documents management, business continuity and
infrastructure

[REDACTED]
[REDACTED]
1 avenue du Président Robert Schuman
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