

Physikalisch-Technische Bundesanstalt

Braunschweig und Berlin
Certification Body (Zertifizierungsstelle, ZS)

Braunschweig, 16 November 2012

Information Sheet on Safeguarding the Privacy of Certification Documents

1 Certification documents

Within the scope of its certification activities and its – herewith related – testing and inspection activities, PTB's Certification Body (*Zertifizierungsstelle (ZS)*) receives information and documents from its customers. PTB, in turn, issues reports and certificates. All these documents are combined into process files. Parts of these process files fall under copyright protection. Also, they may contain customer's company secrets or trade secrets and must, therefore, be treated as confidential.

2 Basic principles for safeguarding the privacy of certification documents

PTB is obliged to safeguard the privacy of its certification documents. This means that PTB does not, as a matter of principle, allow inspection of the process files concerned without the prior consent of the respective customer, and that it does not pass on any documents to third parties. The process files, the prototypes submitted by the customers and the other technical documents are, as a matter of principle, kept under lock and key and are protected from third-party access.

The only exceptions to this principle are the cases listed below, where PTB is forced to pass on information without having to obtain the express consent of its customers.

3 Obligation to publish information on certificates

Due to normative and legal stipulations as well as to relevant agreements, PTB's Certification Body is obliged to publish information on issued, amended and withdrawn certificates. This information is published in such a way that the legal rights of the certificate holder are not impaired.

At present, PTB's Certification Body publishes the following information:

- a) General information concerning issued, amended and withdrawn certificates is published in the relevant information media (e.g. in "*PTB-Mitteilungen*" or in the "*Federal Gazette*") or may be accessed via relevant websites (e.g. PTB's Certification Body's website¹ or OIML's website²) or may be viewed in the public part of the corresponding certificate databases. This information is of a general nature and does not contain any confidential details.
- b) Via the secured part of the certificate database MICert³, the German verification authorities as well as state-approved test centres receive access to the contents of national certificates issued according to the Verification Act. These authorities, too, are obliged to ensure the privacy of these data.
- c) Via the secured part of the approval database MICert, the German verification authorities, state-approved test centres and the other European authorities or Notified Bodies in charge of legal metrology receive access to the contents of the

¹ www.zs.ptb.de

² www.oiml.org

³ www.ptb.de/en/dienstleistungen/micert.htm

certificates issued by PTB for measuring instruments pursuant to Europe-wide harmonized provisions. These authorities, too, are obliged to ensure the privacy of these data.

- d) The contents of the certificates issued by PTB for non-automatic weighing instruments or their components are, in addition to MICert, also published in the EMeTAS⁴ database.
- e) The contents of the EU certificates issued by PTB for explosion-protected equipment/devices are published in the database of "*Ex-Dienst*" (for further details on "*Ex-Dienst*", see below⁵).
- f) The contents of the IECEx certificates issued by PTB are published in the IECEx COC Online⁶ database.

4 Obligation to pass information on to the authorities in charge

Due to legal stipulations, PTB's Certification Body is obliged to pass copies of certificates, evaluation reports and related information (e.g. test reports, technical documentation) on to the authorities in charge (e.g. to market surveillance authorities, to the EU Commission) upon founded request. These authorities, too, are obliged to ensure the privacy of these data.

5 Legal obligation to grant access to official documents pursuant to the Freedom of Information Act (*Informationsfreiheitsgesetz, IFG*)

Pursuant to the Freedom of Information Act (IFG), PTB is obliged to grant anybody access to those parts of the process files which do not fall under copyright and do not contain company secrets or trade secrets of its customers. Such requests are examined and responded to by PTB's "Legal Matters" Section.

PTB will categorically grant access to issued certificates and their annexes, and to the reports and normative documents (e.g. verification instructions) on which the certificates are based. Hereby, PTB will take care not to include in these documents company secrets or trade secrets of its customers. In order to avoid potential copyright problems, these documents may only contain texts and figures which have been produced by PTB employees or which have been authorized by the customer.

Any technical documents referred to in the certificates, and the reports on which the certificates are based, will – also pursuant to the Freedom of Information Act (IFG) – be treated as confidential, if they contain company secrets or trade secrets, or if they fall under the copyright of a third party. The same applies to the contents of certificates that have already been issued.

6 Other requirements to publish information

External supervisory bodies (e.g. the *Bundesrechnungshof* (Federal Court of Auditors), testing authorities, accreditation bodies, and, if applicable, assessment commissions) as well as internal auditors/examiners employed by PTB within the scope of the surveillance of its QM system are also granted access to the process files, if necessary. These persons, too, are obliged to ensure the privacy of these data.

On behalf of PTB
Dr. Harry Stolz
Head of PTB's Certification Body

⁴ www.emetas.eu

⁵ www.ex-dienst.org/exdienst/

⁶ www.iecex.com