

September 2023

PRIVACY NOTICE FOR INTERNAL INVESTIGATIONS

1. DESCRIPTION OF THE PROCESSING OPERATION

Internal investigations are administrative investigations performed by OLAF within the EU institutions, bodies, offices and agencies for the purpose of detecting fraud, corruption and any other illegal activity affecting the financial interests of the EU, or serious matters relating to the discharge of professional duties of Members, officials or other servants of the EU institutions, bodies, offices and agencies, and liable to result in disciplinary or criminal proceedings.

OLAF evaluates the information received and assess whether wrongdoing has occurred; it may also be used for contact purposes. The data may be originating from various sources, including publicly accessible sources. OLAF may use any of the means provided in its legal basis for collecting such data, including immediate and unannounced access to any information and to the premises of the EU institutions, bodies and offices; to inspect accounts; to take a copy of and obtain extracts from any documents or the contents of any data medium and to assume custody of such documents or data; to request oral information from members, officials or other servants; to carry out on-the-spot checks at the premises of economic operators according to Regulation 2185/96 and to ask any person for information.

Where a criminal conduct, in respect of which the EPPO could exercise its competence in accordance with Regulation (EU) 2017/1939, comes to light during an investigation by OLAF, OLAF reports the case to the EPPO in accordance with Article 12 (c) (1) of Regulation (EU, Euratom) No 883/2013. Where the EPPO opens an investigation following an OLAF report, OLAF shall not continue its investigation into the same facts other than in accordance with Article 12 (e) or 12 (f) of its Regulation (EU, Euratom) No 883/2013.

In accordance with Article 12(f) of Regulation (EU, Euratom) No 883/2013 and Article 101(3) of Regulation (EU) 2017/1939, OLAF may open an investigation complementary to a criminal investigation conducted by the EPPO. In addition, at the request of the EPPO, OLAF may also provide assistance in the form of an investigation in support to the EPPO's criminal investigation, pursuant to Article 12 (e) of Regulation (EU, Euratom) No 883/2013 and Article 101(3) of Regulation (EU) 2017/1939.

OLAF's investigative procedures are further described in the Guidelines on investigative procedures for OLAF staff available online under the following link https://anti-fraud.ec.europa.eu/system/files/2021-10/gip_2021_en.pdf.

The evidence collected is relevant to the matter under investigation and collected for the purpose of the investigation, it will include inculpatory and exculpatory evidence. The processing of your data will not be used for an automated decision-making, including profiling.



2. LEGAL BASIS FOR THE PROCESSING

The legal bases for this processing operation are Article 4 of Regulation (EU, Euratom) No 883/2013 and Article 2 of Commission Decision 1999/352. OLAF performs the processing of personal data in accordance with Article 5(1), point (a) of Regulation (EU) 2018/1725.

3. CATEGORIES OF PERSONAL DATA COLLECTED

During internal investigations, OLAF collects identification data, professional data and case involvement data.

Exceptionally, in duly justified cases, the Office may process special categories of data falling under Article 10 of Regulation (EU) 2018/1725.

When the data subject did not provide directly personal data to OLAF, such data may originate from various sources including publicly accessible sources, EU institutions bodies, offices and agencies, their personnel, Member States and third countries authorities, international organisations, individuals, including informants, or economic operators, including person or entity receiving Union funds.

4. WHO HAS ACCESS TO YOUR INFORMATION AND TO WHOM IS IT DISCLOSED?

Responsible OLAF staff has access to your personal data. In addition, if an investigation is opened in accordance with the relevant legal provisions, your data may be transferred to designated persons in the EU institutions, bodies, offices and agencies, the relevant authorities in Member States and/or third countries and/or international organisations in order to ensure the appropriate conduct of the investigation. International transfer may be made, where necessary, to countries with an adequate level of data protection, to partners implementing appropriate safeguards or may be based on derogation. Where the investigative unit identifies potential criminal conduct, falling within the legal competence of the European Public Prosecutor (EPPO), it transmits information to the EPPO.

Personal data collected in the course of this processing operation may be transferred to the OLAF Supervisory Committee when necessary for its monitoring of the implementation of OLAF's investigative function and to the Controller of procedural guarantees when necessary for the handling complaints by persons concerned.

5. HOW DO WE PROTECT AND SAFEGUARD YOUR INFORMATION?

In order to protect your personal data, a number of technical and organisational measures have been put in place.

Technical measures take into consideration the risk presented by the processing and the nature of the data being processed. These measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access. Hardware and data are hosted exclusively within the OLAF premises and protected by OLAF-specific physical security measures. Additionally, the main computer systems holding the data are security hardened. In order to protect data from unauthorized remote access, network firewalls protect the logic perimeter of the OLAF IT infrastructure.

Organisational measures include restricting access to the data to authorised persons with a legitimate need to know for the purposes of this processing operation.

6. HOW LONG DO WE KEEP YOUR DATA?



Your personal data may be retained in OLAF's case files, which are stored for a maximum of 15 years after the closure of the investigation.

7. WHAT ARE YOUR RIGHTS AND HOW YOU CAN EXERCISE THEM?

You have the right to request access to your personal data, rectification or erasure of the data, or restriction of their processing and you can object to their processing on grounds relating to your particular situation.

Any request to exercise one of those rights should be directed to the Controller (OLAF-FMB-DATA-PROTECTION@ec.europa.eu). Where you wish to exercise your rights in the context of one or several specific processing operations or files, please provide their description and reference(s) in your request.

The controller may apply exceptions in accordance with the Regulation (EU) 2018/1725. OLAF may also implement restrictions based on Article 25 thereof in accordance with the Commission Decision (EU) 2018/1962 laying down internal rules concerning the processing of personal data by the European Anti-Fraud Office (OLAF) in relation to the provision of information to relevant data subjects and the restriction of certain of their rights in accordance with Article 25 of Regulation (EU) 2018/1725. Such restrictions may be necessary to protect the investigative activities of the Office and to protect the rights of other persons. Eventual restrictions to the provision of information to relevant data subjects are temporary and reviewed. Where the reasons for restriction no longer apply, the individual is provided with the privacy notice and information on the past restriction.

8. CONTACT DETAILS OF THE DATA PROTECTION OFFICER

You may contact the Data Protection Officer of OLAF (OLAF-FMB-DPO@ec.europa.eu) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

9. RIGHT OF RECOURSE

You have the right to have recourse to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by OLAF.

