

June 2023

PRIVACY NOTICE FOR SELECTIONS

1. DESCRIPTION OF THE PROCESSING OPERATION

New incoming information of possible investigative interest may arrive at OLAF from:

1. a private party:
 - anonymously, online via the Fraud Notification System (FNS);
 - via e-mail, regular post, or to an OLAF staff member;
 - a whistleblower, via e-mail sent to a dedicated functional mailbox (OLAF-FMBSPE@ec.europa.eu), FNS or through regular mail;
2. an EU institution, body, office or agency or Member State authority;
3. any other source;
4. following OLAF's own initiative (media review, other information which comes to OLAF's attention).

During the selection phase, Unit 0.1 considers the incoming information of possible investigative interest in order to provide an opinion to the Director-General on whether an investigation or a coordination case should be opened, or whether the case should be dismissed. Where the initial information received via the channels indicated above is manifestly irrelevant or out of the scope of the OLAF competence, such information is not subject to selection procedure and the source is informed that OLAF is not competent to act. At the end of the selection process, the opinion is based on an analysis of whether the information falls within OLAF's competence to act, and whether the information provides sufficient grounds for suspicion to open an investigation or coordination case. Unit 0.1 also verifies the proportionality of opening an OLAF investigation, the efficient use of investigative resources, and whether OLAF is best placed to conduct the investigation and can add value. Before proposing to the DG the opening of an investigation Unit 0.1 verifies whether the European Public Prosecutor's Office (EPPO) investigates into the same matter. The selection process is described in Chapter 1 of the OLAF Guidelines on Investigation Procedures.

Pursuant to Article 12(c), points (1) and (4) of Regulation (EU, Euratom) No 883/2013 and Article 24(1) of Council Regulation (EU) 2017/1939, where OLAF identifies potential criminal conduct in respect of which the EPPO could exercise its competence, it reports the information to the EPPO. Any EPPO feedback related to the case reported will be recorded in the same file.

When, following a selection procedure, OLAF decides that there is no need to open an investigation or a coordination case (e.g. the matter can be dealt with by another competent authority or the suspicions are not sufficient), the matter is dismissed. Where a case is dismissed, the information may be transmitted to other services of the Commission, EU Institutions, authorities in the Member States, third countries or international organisations for whom such information may be relevant for their anti-fraud activities.

The documentation is stored in the dedicated OLAF case management system.

2. LEGAL BASIS FOR THE PROCESSING

The legal basis for this processing operation is Regulation (EU, EURATOM) 883/2013. OLAF performs this processing operation in accordance with Article 5 paragraph 1 (a) of Regulation (EU) 2018/1725.

3. CATEGORIES OF PERSONAL DATA COLLECTED

During a selection, OLAF may collect identification data, professional data and case involvement data. Personal data may be originating from various sources such as individuals (informants and whistleblowers), economic operators, competent national authorities, European institutions bodies and agencies, international organisations, available databases and registers, including publicly accessible sources. The data may be collected directly from individuals.

The office may receive special categories of data, falling under Article 10 of Regulation 2018/1725.

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 a case is dismissed, the file containing your data may be transferred where necessary to EU institutions, bodies offices and agencies, international organisations and/or the relevant authorities in Member States if it falls within their respective competence. For example, OLAF may transfer to a Member State authority information relating to a dismissed case on possible offences not affecting the EU's financial interests but to the financial interests of the Member State in question.

Where OLAF identifies criminalconduct , falling within the legal competence of the European Public Prosecutor (EPPO), it transmits the information to EPPO.

Eventual international transfer may be made in accordance with Regulation(EU) 2018/1725, where necessary, to countries with an adequate level of data protection, to partners implementing appropriate safeguards or may be based on a derogation.

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.

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

5. HOW LONG DO WE KEEP YOUR DATA?

Your personal data may be retained in OLAF's files which are stored for a maximum of 15 years after the dismissal or, where an investigation or coordination case was opened, after the closure thereof.

6. 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.

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 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.

7. 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.

8. 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.