



## **Processing of personal data in the context of criminal investigations conducted by the EPPO**

### **Data Protection Notice**

The European Education and Culture Executive Agency ("EACEA") is committed to preserving your privacy. All personal data are dealt with in accordance with Regulation (EU) No 2018/1725 on the protection of personal data by the Union institutions, bodies, offices, and agencies<sup>1</sup> ("the data protection regulation").

The following Data Protection Notice outlines the policies by which the EACEA collects, manages, and uses the personal data of the concerned individuals within the processing of personal data in the context of criminal investigations conducted by the EPPO.

#### **1. Who is responsible for processing your personal data (data controller)?**

The controller is the European Education and Culture Executive Agency,  
The person designated as being in charge of the processing operation is the Head of Unit R2, Budget and Control.

The data controller may be contacted via the functional mailbox: EACEA-R2-ANTI-FRAUDE@ec.europa.eu

The postal address is Avenue du Bourget 1, BOUR, BE-1140 Brussels -Belgium

#### **2. Which personal data are processed?**

The following data may be processed:

- Identification data: surname, forename, birthday, birthplace, postal/office address, telephone number, e-mail address, personal number, photos, etc (where applicable);
- Professional data : profession, organisation, function, CV, career development, etc. ;
- Description of the potential criminal offense: activities and information related to the matters which could be the subject of investigation, comments of the persons concerned, fraudulent/irregular, conduct/behaviour, etc.
- Data relating to financial aspects (bank accounts, etc)

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<sup>1</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC Text with EEA relevance, OJ L 295, 21.11.2018, p. 39.

- For EACEA staff: pay, allowance, social security, pensions, expenses, medical benefits, etc.
- pre-financing, recovery orders, timesheets, evidence of payments made to beneficiaries or contractors (who are suspected of fraudulent or other illegal activity) or decision to suspend or terminate such beneficiaries or contractors;
- Data contained in reports: interim/final report for beneficiaries of grant agreements, etc. or probation and evaluation reports in case of EACEA staff;
- For EACEA staff: leave and absences, missions and journeys, family, etc;
- Data relating to the suspected offences, criminal convictions, security measures, etc.

### **3. For which purpose do we process your data?**

To exchange information between the EPPO and EACEA.

This includes:

- i) the reporting by the Agency of any suspicions of criminal conduct in respect of which the EPPO could exercise its competence and/or supporting the EPPO by contributing on a need-to-know basis to the investigations carried out by the EPPO by providing relevant information.
- ii) Answer to the EPPO requests in case of suspicions of criminal offences by EACEA staff or in service contracts or grant agreements related to all programmes managed by EACEA.

### **4. Who has access to your personal data and to whom is it disclosed?**

Inside the Agency:

- The Director of the Agency and the Heads of Department;
- Authorised members of the Agency staff;
- The EPPO correspondent(s) within the Agency

Outside the Agency:

- EPPO case handlers/responsible staff.
- Parent DGs and Members of the Steering Committee of the Agency;
- EPPO correspondents within the European Commission and/or other Executive Agencies
- External auditors
- OLAF
- The EDES Panel referred to in Article 143 of the Financial Regulation;

In addition, data may be disclosed to public authorities, which are not regarded as recipient in accordance with Union and Member State law. The processing of those data by those public authorities shall comply with the applicable data protection rules according to the purpose of the processing:

- The European Court of Justice or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure;
- IDOC in line with Commission Decision of 12 June 2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings - C(2019)4231 and Commission Decision (EU) 2019/165 of 1 February 2019 on the internal rules concerning the provision of information to data subjects and the restriction of certain of their data protection rights in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings;
- The competent Appointing Authority in case of a request or a complaint lodged under Article 90 of the Staff Regulations;

- The Internal Audit Service of the Commission within the scope of the tasks entrusted by Article 118 of the Financial Regulation and by Article 49 of the Regulation (EC) No 1653/2004;
- The Court of Auditors within the tasks entrusted to it by Article 287 of the Treaty on the Functioning of the European Union and Article 20, paragraph 5 of Regulation (EC) No 58/2003;
- The European Ombudsman within the scope of the tasks entrusted to it by Article 228 of the Treaty on the Functioning of the European Union;
- The European Data Protection Supervisor in accordance with Article 58 of the Regulation (EC) 2018/1725;

This transmission is restricted to the information necessary for the legitimate performance of tasks within the competence of the recipient. The recipients of the data are reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.

## **5. How long do we keep your personal data?**

Personal data shall be stored for no longer than is necessary for the achievement of the purposes for which the data were collected or further processed. According to the Common Retention List (CLR) of the European Commission - (SEC(2022)400 - the personal data collected (electronic and paper format) and related to this processing will be kept for a maximum period of 5 years after closure of the file.

For the files on the cooperation of the Agency with the EPPO in its investigations and for disciplinary procedures regarding a staff member of the Agency data may be kept for 15 years after the closure of the file that have given rise to investigations and 5 years after the closure of the files that have not given rise to investigations.

In accordance with the common Commission Retention List and after the ‘administrative retention period’, files concerning relations with the EPPO may be transferred to the Historical Archives of the European Commission for historical purposes. Nonetheless, for cooperation in investigations and disciplinary procedures, all files are eliminated if they have not given rise to investigations at the end of the retention period. For the cases that gave rise to investigations, the sensitive personal data are eliminated in line with the applicable retention period.

## **6. What are your rights concerning your personal data and how can you exercise them?**

Under the provisions of the data protection regulation, you have the right to:

- Request to access the personal data EACEA holds about you;
- Request a rectification of your personal data where necessary;
- Request the erasure of your personal data;
- Request the restriction of the processing of your personal data.

As this processing of your personal data is based on f Article 5(1)(a) of the data protection regulation, you have the right to object to processing of your personal data on grounds relating to your particular situation under the provisions of Article 23 of the data protection regulation (e.g.: unless legal claims or if the controller demonstrates compelling and overriding legitimate grounds for the processing, etc.)

To preserve the investigation, your rights may be restricted by the Controller on a case-by-case basis (e.g. if the exercise of these rights would put at stake the investigation by destroying evidence, etc.). Article 25 of the data protection regulation provides that, in matters relating to the operation of EU institutions and bodies, the latter can restrict certain rights of individuals in exceptional circumstances and with the safeguards laid down in that regulation. Such restrictions are provided for in the internal rules adopted by EACEA and published in the [Official Journal of the European Union](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021Q0317%2801%29) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021Q0317%2801%29>).

Any such restriction will be limited in time, proportionate and respect the essence of the above-mentioned rights. It will be lifted as soon as the circumstances justifying the restriction are no longer applicable. You will receive a more specific data protection notice when this period has passed.

As a general rule, you will be informed on the principal reasons for a restriction unless this information would cancel the effect of the restriction as such.

## **7. Your right to have recourse in case of conflict on any personal data issue**

In case of questions or in if you have any personal data protection issue, you can address yourself to the Controller at the above-mentioned address and functional mailbox.

You can also contact the Data Protection Officer of EACEA at the following email address: [eacea-data-protection@ec.europa.eu](mailto:eacea-data-protection@ec.europa.eu).

You have a recourse right to the European Data Protection Supervisor at any time: <http://www.edps.europa.eu>.

## **8. On which legal basis are we processing your personal data?**

Article. 5(1) of the data protection regulation:

- (a) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body (to be laid down in Union Law);
- (b) processing is necessary for compliance with a legal obligation to which the controller is subject (to be laid down in Union Law);

The applicable legal grounds are:

- i) Council Regulation 58/2003 of 19 December 2002, laying down the Statute for executive agencies to be entrusted with certain tasks in the management of EU programmes;
- ii) Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Education and Culture Executive Agency;
- iii) Commission Decision C(2021)951 of 12 February 2021 delegating powers to the European Education and Culture Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of education, audiovisual and culture, citizenship and solidarity;
- iv) Communication of the Commission on Guidelines for the establishment and operation of executive agencies financed by the general budget of the European Communities (SEC(2006) 662 of 31 May 2006);
- v) Articles 317 and 325 of the Treaty of the Functioning of the European Union (Official Journal of the European Union, C 326, 26 October 2012);
- vi) Commission Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union (hereafter the Financial Regulation);
- vi) Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'), OJ L 283, 31.10.2017,p. 1-71.).