

**PRIVACY NOTICE FOR  
ELECTRONIC QUESTIONNAIRE ON IMPLEMENTATION OF  
ARTICLE 325 BY THE MEMBER STATES**

**1. DESCRIPTION OF THE PROCESSING OPERATION**

Article 325(5) TFEU requires the Commission, in cooperation with the Member States, to submit a report each year to the European Parliament and the Council on the measures taken to implement that Article. The Commission bases the part of the report relating to the Member States on the replies to the "Article 325" questionnaire, as agreed upon with them within COCOLAF and adapted each year in the light of past experience so as to facilitate the monitoring of anti-fraud measures. The Unit D.2 acts as controller for this processing operation.

The electronic questionnaire on implementation of Article 325 by the Member States is to be launched in November each year by means of the EU Survey platform. The identification and professional data of the persons appointed by the Member States for accessing and filling in the questionnaire are collected via e-mail. This information is stored in the EU Survey platform and updated every year.

All the answers of Member States to the questionnaire then become part of the Commission Staff Working Paper "Implementation of Article 325 by the Member States" which accompanies the annual Article 325 report.

The purpose of collecting this data is to facilitate operational and non-operational contacts between OLAF and Member States' authorities with regards to anti-fraud activities and the protection of the Union's financial interests.

The processing of your data will not be used for automated decision making, including profiling.

**2. LEGAL BASIS FOR THE PROCESSING**

The legal basis for this processing is Article 5 paragraph 1 point (a) of Regulation (EU) 2018/1725.

The legal basis for this processing operation is Article 325 (5) of the Treaty on the Functioning of European Union (TFEU).

**3. CATEGORIES OF PERSONAL DATA COLLECTED**

In order to carry out this processing operation OLAF collects the following categories of personal data for the responsible and contact persons of the relevant Member States' authorities: identification data (name surname), professional data (position).

The provision of the personal data is mandatory to meet a statutory requirement. A possible consequence of the failure to provide the data is lack of contact between OLAF and Member States' authorities and the impossibility to collect the information requested under Article 325(5) TFEU.

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

OLAF staff in Unit D.2 responsible for carrying out this processing operation has access to your personal data. In addition, your data may be disclosed to responsible officials in other EU institutions or bodies, and officials of responsible Member State authorities in order to facilitate operational and non-operational contacts between OLAF and Member States' authorities with regards to anti-fraud activities and the protection of Communities' financial interests.

#### **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 include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the data being processed. 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?**

The list of responsible and contact persons in the Member States authorities is continually updated. Non-relevant data is immediately deleted.

#### **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. You have also the right to object to the processing of your data.

Any request to exercise one of those rights should be directed to the Controller ([OLAF-FMB-DATA-PROTECTION@ec.europa.eu](mailto: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.

Exceptions based on Regulation (EU) 2018/1725 may apply.

#### **8. CONTACT DETAILS OF THE DATA PROTECTION OFFICER**

You may contact the Data Protection Officer of OLAF ([OLAF-FMB-DPO@ec.europa.eu](mailto: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](mailto: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.