

July 2023

**PRIVACY NOTICE FOR
HIT/NO-HIT ACCESS REQUEST
(OLAF DPMS- DPR-OLAF-10067.1)**

1. DESCRIPTION OF THE PROCESSING OPERATION

In accordance with their respective legal frameworks EPPO and OLAF cooperate within their respective mandates to fight fraud and shall exchange information to ensure also complementarity and support. For this purpose, article 101 of 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](#)) and article 12g of Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) ([OJ L 248, 18.9.2013, p. 1](#)), as amended, established that they should respectively have indirect access to information on the respective case management systems, on the basis of a hit/no-hit system. Such access must ensure that there is no duplication of procedures and allow to cooperate, as relevant.

Such access is managed on a case-by-case basis and by explicit request of one of the parties. The hit/no-hit system allows for verification based on a limited set of data related to economic operators or natural persons provided by the requestor. Whenever a match is found, the fact that there is a match shall be communicated to requestor for appropriate follow-up.

OLAF can make such hit/no-hit request to EPPO either at the stage of selection of incoming information (0.1 "Operations & Investigations Selection") or at the stage of investigation, where unit D.4 "Cooperation with EPPO and Anti-Fraud Partners" handles these requests and transmits replies to the investigative units.

Unit D.4 "Cooperation with EPPO and Anti-Fraud Partners" handles the requests originating from EPPO, conducts the necessary further verifications and provides a reply to EPPO. Where a hit is established, the result is registered in the relevant OLAF case file. Where there is no hit, the relevant reply is provided to EPPO and the possible personal data removed 6 months later.

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

2. LEGAL BASIS FOR THE PROCESSING

The legal basis for this processing is Article 5 paragraph (a) and (b) of Regulation (EU) 2018/1725, article 101 of 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](#)) and articles 12c, 12d and

12g of Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) ([OJ L 248, 18.9.2013, p. 1](#)), as amended.

The process is further established on the [OLAF-EPPO Working Arrangement](#) (signed 5 July 2021), specially points 4.5 and 4.6 and on article 5 of OLAF's [Guidelines on Investigative Procedures](#) (GIPs), which entered into force on 11 October 2021.

3. CATEGORIES OF PERSONAL DATA COLLECTED

In order to carry out this processing operation OLAF collects the following categories of personal data: the hit/no-hit system allows for verification based on a limited set of data related to economic operators or natural persons. As regards natural persons, the request /reply includes only identification category (name, surname, date of birth, identification number - e.g. Personal N° or Registration N°, and may include a bank account number) and whether a match has been identified or not.

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

OLAF staff responsible for carrying out this processing operation has access to your personal data.

In addition, your data may be transferred to the European Public Prosecutor Office (EPPO), in order to follow-up with their own case workload.

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?

Where OLAF initiated a hit no hit request, all data may be retained by OLAF in the relevant casefile for 15 years after the closure of the investigation or the selection.

Where EPPO addressed to OLAF a hit/no-hit access request, OLAF may identify a hit and store the data in the relevant casefile in accordance with the applicable retention period. In case OLAF replies negatively to EPPO, the file personal data will be retained for 6 months, as of the date of the last reply.

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 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). 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 data subjects and the restriction of certain of their rights in accordance with Article 25 of Regulation (EU) 2018/1725.

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.