

December 2018

**PRIVACY NOTICE FOR
PROCESSING OF COMPLAINTS RECEIVED FROM
THE EUROPEAN DATA PROTECTION SUPERVISOR**

1. DESCRIPTION OF THE PROCESSING OPERATION

The Controller of this processing operation in OLAF is OLAF C.4: Legal Advice Unit.

The processing of personal data in relation to complaints referred by the European Data Protection Supervisor (EDPS) to OLAF with related questions put by the EDPS consists of preparing and sending OLAF's comments and replies to the EDPS, following up on proposals and recommendations and maintaining files of complaints and related documentation. The processing of your data will not be used for any automated decision making, including profiling.

Each request and each reply is registered in the European Commission's advanced records system (ARES) (European Commission DP registry DPO-1530) or in THOR (OLAF Registration system) (OLAF DPO registry DPO-168) and in OCM (OLAF Content Management, OLAF DPO-208).

The purpose of the processing is to conform to the requirements of Regulation (EU) 2018/1725 and in particular in the context of Articles 57, 58, 63, 64, 66 and 68. To respond to the complaints referred by the EDPS to OLAF and to questions put by the EDPS.

2. LEGAL BASIS FOR THE PROCESSING

The legal basis for the processing is Article 5.1 (b) of Regulation (EU) 2018/1725 of the European Parliament and of the Council of 11 December 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. Article 63 stipulates that any person employed by the institutions or bodies may lodge a complaint with the EDPS. Controllers have an obligation to respond to the EDPS' enquiries in accordance with Articles 46 and 47.

3. CATEGORIES OF PERSONAL DATA COLLECTED

In order to carry out this processing operation OLAF collects the following categories of personal data:

In relation to the complainant, witnesses and any other persons relevant to the complaint, the personal data collected consists of identification and contact information, (name,

address, e-mail, telephone, fax), professional and case involvement data, and information related to the complaint. In exceptional circumstances these could include data which fall under Article 10 where it is relevant to the complaint.

The data are received from the EDPS, and from related OLAF files.

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

OLAF staff responsible for carrying out this processing operation have access to your personal data;

Staff of the EDPS and where applicable, to any persons in relation to a follow up action brought about by the complainant.

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?

Your data will be kept for ten years after the decision of the EDPS is issued, unless they form part of OLAF's investigative activities and will be stored for a maximum of 15 years.

7. HOW CAN YOU VERIFY, MODIFY OR DELETE YOUR INFORMATION?

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 Regulation (EU) 2018/1725 and restrictions based on Article 25 thereof in accordance with the relevant Commission Decision.

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.