

PRIVACY NOTICE FOR

PROCESSING OF REQUESTS FROM DATA SUBJECTS UNDER
REGULATION (EU) 2018/1725

1. DESCRIPTION OF THE PROCESSING OPERATION

Pursuant to Article 3(8) of Regulation (EU) 2018/1725¹, the controller of this processing operation in OLAF is the Legal Advice Unit².

Under Regulation (EU) 2018/1725, data subjects may address to OLAF the following requests:

- Request to access personal data (Article 17);
- Request for rectification of personal data (Article 18);
- Request for erasure of personal data (Article 19);
- Request for restriction of the processing of personal data (Article 20);
- Request for notification (Article 21);
- Request for data portability (Article 22) and
- Request to object to the processing of personal data (Article 23).

The processing of personal data in relation to these requests consists in registering the entry of the request, transmitting the request to the responsible units, and may imply requesting the identification and contact information of the data subject. Also, it consists in preparing and sending replies to the requests, and maintaining files of requests, replies, and related documents, in line with the applicable retention periods.

The processing of the personal data will not be used for any automated decision-making, including profiling.

The controller may apply exceptions in accordance with Article 25 of Regulation (EU) 2018/1725 and the Commission Decision (EU) 2018/1962³.

Requests and replies regarding Regulation (EU) 2018/1725, which concern OLAF cases are registered in the relevant case file in the OLAF case management system ("OCM").

¹ OJ L 295, 21.11.2018, p. 39–98.

² For the purpose of Regulation (EU) 2018/1725 and in accordance with Article 3(8) thereof, 'controller' means the Union institution or body or the directorate-general or any other organisational entity which, alone or jointly with others, determines the purposes and means of the processing of personal data. This function needs to be distinguished from that of the Controller of procedural guarantees set out in Article 9a of Regulation (EU, Euratom) No 883/2013, which has a different role.

³ OJ L 315, 12.12.2018, p. 41–46.

Requests and replies regarding Regulation (EU) 2018/1725, which do not concern OLAF cases are registered directly in the European Commission's advanced records system ("ARES"), which is operated by the European Commission in compliance with the Regulation (EU) 2018/1725.

OLAF responds directly to the requestor.

The purpose of the processing is to ensure conformity with the requirements of Regulation (EU) 2018/1725.

2. LEGAL BASIS FOR THE PROCESSING

The legal basis for this processing operation are Articles 5(1)(b) and 14 of Regulation (EU) 2018/1725, read in conjunction with the Commission Decision (EU) 2018/1962.

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 requestor, and any follow-up action related to the request, the personal data collected are the identification and contact information of the requestor (name, address, e-mail, telephone, fax); where applicable, professional and case involvement data; personal data relating to persons whose names are mentioned in the request or in the documents that are the subject of the request; other personal data concerning them included in the documents; data provided by the data subject; data processed by OLAF and used when preparing the reply to the data subject. In some cases, these could include data which fall under Article 10 of Regulation (EU) 2018/1725 where it is relevant to the request.

The data are received from the requestor, from other services of the European Commission or other EU institutions, offices, bodies or agencies, from third parties or may originate from related OLAF files.

Exceptionally, in duly justified cases, the requests or the related OLAF case files may contain special categories of data falling under Article 10 of Regulation (EU) 2018/1725.

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

OLAF staff responsible for dealing with requests from data subjects pursuant to Regulation (EU) 2018/1725 in the Legal Advice Unit, investigative units or other staff in charge of the case(s) concerned, an OLAF's Director and the OLAF's Director-General, as the case may be, have access to the personal data. Where further action is taken by the data subject, relevant staff of the European Commission's Legal Service and other relevant Commission services, the European Data Protection Supervisor ("EDPS"), the European Ombudsman, the requestor's legal counsel and court personnel, as necessary, may also have access to the personal data. Depending on the subject matter of a complaint submitted by a person concerned to the Controller of procedural guarantees⁴, the latter may also have access to

⁴ Article 9b of Regulation (EU, Euratom) No 883/2013 sets out a complaints mechanism, allowing a person concerned within the meaning of that Regulation to lodge a complaint with the Controller of procedural guarantees, set out by Article 9a of that Regulation, regarding the Office's compliance with the procedural guarantees referred to in Article 9, as well as on the grounds of an infringement of the rules applicable to investigations by the Office, in particular infringements of procedural requirements and fundamental rights. In that regard, Article 9b(4) of the Regulation provides that: "Without prejudice to Article 10, the Office shall transmit to the Controller all information necessary for the Controller to assess whether the complaint is justified as well as information for the purpose of resolving the complaint and enabling the Controller to issue a recommendation."

the personal data contained in a complaint submitted to the EDPS and registered in an OLAF investigation file, as necessary, for assessing the admissibility of complaints⁵.

The information is disclosed on a need to know basis only, to persons responsible for dealing with the request or with a follow up action about by the data subject.

In addition, in accordance with Article 2(3) of the Commission Decision (EU) 2018/1962, your data may be transferred to the Commission services, Union institutions, bodies, offices or agencies or the competent authorities of Member States, for the purpose of consulting them whether a restriction provided for by Regulation (EU) 2018/1725 is applicable.

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?

Personal data contained in requests from data subjects pursuant to Regulation (EU) 2018/1725 may be retained by OLAF for a maximum of 10 years after the response has been sent, unless they form part of an OLAF's case file and will be stored therein for a maximum of 15 years.

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 and to object to their processing on grounds relating to your personal situation.

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 Commission Decision (EU) 2018/1962⁶.

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.

⁵ In line with Article 5 of the Decision of the Controller of procedural guarantees adopting implementing provisions for the handling of complaints, 2022/C 494/07, OJ C 494, 28.12.2022, p. 17–23.

⁶ OJ L 315, 12.12.2018, p. 41–46.

9. RIGHT OF RECOURSE

You have the right to have recourse to the EDPS (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.