

September 2023

PRIVACY NOTICE FOR MUTUAL ASSISTANCE CASES

1. DESCRIPTION OF THE PROCESSING OPERATION

Within the framework of a mutual assistance case, OLAF carries out all the necessary activities for the exchange and analysis of information, in accordance with the relevant provisions of Regulation 515/97. OLAF does not conduct investigation activities in this context. However, it may provide assistance and contribute to investigations carried out by competent national authorities. OLAF's role includes:

- requesting transmission of documents and information from the Member State competent authorities
- requesting a special watch on persons, places where goods are stored, movements of goods and on means of transport
- gathering information from the competent authorities involved in the framework of operational meetings or received in any other form
- use the information contained in the databases established by Regulation 515/97 including for analysis of data and exchange of information
- facilitating contacts and encouraging the responsible authorities to work together.

OLAF may use personal data for purposes of facilitating the gathering and exchange of information and ensuring operational synergy among the relevant national services and, where necessary, with other Commission services.

OLAF's mutual assistance case procedures are further described in Regulation 515/97, available online under the following link: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31997R0515>.

The data held in mutual assistance cases are not subject to automated decision-making, including profiling.

2. LEGAL BASIS FOR THE PROCESSING

The legal basis for mutual assistance cases is Regulation 515/97 and any other specific legislation making reference to it. The OLAF performs mutual assistance activities in accordance with Article 5 paragraph 1 (a) of Regulation (EU) 2018/1725.

3. CATEGORIES OF PERSONAL DATA COLLECTED

During a mutual assistance case, OLAF may receive identification data, professional data and case involvement data.

The data may be originating from various sources such as individuals, economic operators, competent national authorities, European institutions bodies and agencies, international



organisations, available databases and registers, including publicly accessible sources. The data may be collected directly from individuals.

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

Responsible OLAF staff has access to your personal data. In addition, if a mutual assistance case is opened in accordance with the relevant legal provisions, your data may be transferred to designated persons in the EU institutions, bodies, offices and agencies, the relevant authorities in Member States and/or third countries and/or international organisations in order to ensure the appropriate conduct of the national investigation. Eventual international transfer may be made, where necessary, to countries with an adequate level of data protection, to partners implementing appropriate safeguards or may be based on derogation.

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 take into consideration the risk presented by the processing and the nature of the data being processed. These measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access. Hardware and data are hosted exclusively within the OLAF premises and protected by OLAF-specific physical security measures. Additionally, the main computer systems holding the data are security hardened. In order to protect data from unauthorised remote access, network firewalls protect the logic perimeter of the OLAF IT infrastructure.

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 personal data may be retained in the OLAF's case files which are stored for a maximum of 10 years after the closure of the mutual assistance case. In duly justified cases, this period can be further extended for example in case of ongoing administrative or judicial proceedings at national level.

7. WHAT ARE YOUR RIGHTS AND HOW YOU CAN EXERCISE THEM?

Please note that specific privacy notices concerning the databases and IT systems established under Regulation 515/97 are available at the following address: https://anti-fraud.ec.europa.eu/olaf-and-you/data-protection/olaf-privacy-notices-relating-olaf-data-processing-operations_en.

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.

Exceptions and restrictions based on Regulation (EU) 2018/1725 and relevant Commission Decisions may apply.



8. CONTACT DETAILS OF THE DATA PROTECTION OFFICER

You may contact the Data Protection Officer of the 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 the OLAF.

