PRIVACY NOTICE FOR EXTERNAL INVESTIGATIONS

1. DESCRIPTION OF THE PROCESSING OPERATION

External investigations are administrative investigations performed by OLAF outside the EU institutions, bodies, offices and agencies, for the purpose of detecting fraud, corruption and any other illegal activity affecting the financial interests of the EU. OLAF performs external investigations in accordance with Regulation 883/2013.

OLAF evaluates the information received and assess whether wrongdoing has occurred; it may also be used for contact purposes. The data may be originating from various sources, including publicly accessible sources. OLAF may use any of the means provided in its legal basis for collecting such data, including to conduct on-the-spot checks at the premises of economic operators according to Regulation 2185/96; to conduct interviews and request for information to any person, immediate and unannounced access to any information and to the premises of the EU institutions; to inspect accounts; to take a copy of and obtain extracts from any documents or the contents of any data medium and to assume custody of such documents or data; to request oral information from members, officials or other servants. OLAF’s investigative procedures are further described in the Guidelines on investigative procedures for OLAF staff available online under the following link https://ec.europa.eu/anti-fraud/sites/antifraud/files/gip_en.pdf.

The evidence collected is relevant to the matter under investigation and collected for the purpose of the investigation, it will include inculpatory and exculpatory evidence. OLAF do not use automated decision making, including profiling.

2. LEGAL BASIS FOR THE PROCESSING

The legal basis for the processing is Regulation 883/2013 and, in particular, Art. 3 thereof. They may be carried out under horizontal legislation (in particular, Council Regulation 2185/96 and Regulation 2988/95) as well as sector-specific legislation or other legal provision where applicable. OLAF performs external investigations in accordance with Article 5 paragraph 1 (a) of Regulation (EU) 2018/1725.

3. CATEGORIES OF PERSONAL DATA COLLECTED

During external investigations, OLAF collects identification data, professional data and case involvement data. Exceptionally in duly justified cases, the Office may process 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?**

Responsible OLAF staff has access. In addition, if an investigation 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 investigation. Eventual international transfer may be made, where necessary, to countries with adequate level of data protection, to partners implementing appropriate safeguards or may be based on derogation.

Personal data collected in the course of this processing operation may be transferred to the OLAF Supervisory Committee when necessary for its monitoring of the implementation of OLAF’s investigative function.

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. Concerning unauthorised access to equipment and data, the OLAF secure premises, protected by OLAF-specific physical security measures, host all hardware; network firewalls protect the logic perimeter of the OLAF IT infrastructure; and the main computer systems holding the data are security hardened.

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 OLAF’s case files which are stored for a maximum of 15 years after the closure of the investigation.

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

You have the right to request access to, rectification, erasure or restriction of processing of your personal data and you can object to their processing on grounds relating to your particular 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.

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 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.