



PRIVACY STATEMENT REGARDING MANAGEMENT OF OLAF CASES

This privacy statement provides information on the processing of personal data by the European Institute of Innovation and Technology (hereinafter referred to as EIT) while cooperating with OLAF in dealing with reported cases.

The processing of personal data follows the provisions of Regulation (EU) 2018/1725¹ of the European Parliament and of the Council of 23 October 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (hereinafter “Regulation”).

What is personal data and what is a personal data processing operation?

Personal data shall mean any information relating to an identified or identifiable natural person (‘data subject’). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Who are the data subjects?

The data subjects are persons concerned, whistleblowers, EIT staff members (TA, CA), seconded national experts, trainees, interim staff members and local agents contacted or interviewed in the context of the investigation.

Who is the controller of the data processing?

The data controller is the EIT Director.

What is the purpose of the personal data processing?

The purpose of processing personal data is to facilitate the transmission of any information requested by OLAF in the selection phase and/or when conducting an internal administrative investigation.

During the selection phase, OLAF analyses information received from the EIT or any other source whether it provides sufficient grounds for suspicion to open an investigation and decides to open or dismiss a case.

¹ OJ L 295, 21.11.2018, p. 39–98



Internal investigations are administrative investigations performed by OLAF within 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, or serious matters relating to the discharge of professional duties of Members, officials or other servants of the EU institutions, bodies, offices and agencies, and liable to result in disciplinary or criminal proceedings.

The EIT are obliged to cooperate with and supply information to OLAF, while ensuring the confidentiality of the internal investigation.

The data processing operations include the collection, recording, organisation, storage, consultation, use, disclosure by transmission, erasure and destruction of personal data. In particular, the personal information of the candidates contained in their application are accessed, evaluated, stored and eventually destroyed.

What types of personal data are processed?

The following types of personal data may be processed for the above-mentioned purposes in accordance with the Regulation:

- Identification data (name, surname, personal number)
- Contact information (e-mail address, phone number);
- Professional data:
 - Grade, function, and category;
 - Head of Unit, Line manager;
 - Recruitment (including the criminal record for Temporary and Contract staff, Seconded National Experts;
 - Contractual matters (including transfers);
 - Job description, objectives, training maps, language certificates;
 - Evaluation data (e.g. probationary report, appraisal reports);
 - Administrative career (e.g. documents relating to reclassification);
 - Entitlements and individual rights;
 - Social security and pension;
 - Diplomatic matters;
 - Termination of service;
 - Other relevant data (e.g. employment certificates, disciplinary matters, harassment procedures etc.).
- Case involvement data.

Exceptionally in duly justified cases, sensitive data may be processed (such as data concerning health, sex, religion, etc) if necessary.

Who has access to the personal data of data subjects and to whom can they be disclosed?

Within the EIT:

The data collected will only be disclosed to the absolute minimum of persons involved on a need-to-know basis.



The personal data of the data subjects will be processed by the EIT Director and EIT Anti-Fraud Coordinator who will assess the facts reported in order to check whether there is a suspected irregularity of fraud and/or assist OLAF in providing information.

The personal data may be processed by other staff member(s), in particular to Head(s) of Units and other advisory functions, who may be consulted in order to ensure the appropriate conduct of the investigation, and to EIT Governing Board member(s), if duly justified.

The personal data processed by OLAF as an outcome of the investigation or internally within the EIT may be disclosed to the other staff member(s) and EIT Governing Board member(s) on a need to know basis and if duly justified.

As to possible disciplinary aspects, the Anti-Fraud Coordinator will liaise with the Head of Administration Unit as responsible of the Human Resources section.

Within the Commission and other EU institutions/bodies/agencies:

For audit and investigation purposes or for implementation of OLAF recommendations following the closure of a case, the responsible staff of the following EU institutions may have access to relevant personal data: Court of Auditors, Internal Audit Service of the European Commission, European Anti Fraud Office (OLAF), and Directorate-General Education and Culture (DG EAC), DG BUDGET, DG RTD (Research & Innovation), Commission Legal Services, if justified.

European Anti-Fraud Office (OLAF) will process your personal data when conducting an internal investigation according to the Privacy Notice for internal investigations: https://anti-fraud.ec.europa.eu/system/files/2021-09/privacy_notice_internal_investigations_en.pdf.

European Anti-Fraud Office (OLAF) will process your personal data at the selection phase according to the Privacy Notice for Selections: https://anti-fraud.ec.europa.eu/system/files/2021-09/privacy_notice_selections_en_0.pdf.

Access to the personal data may be granted also to the European Ombudsman and the European Data Protection Supervisor upon request, the General Court and the European Court of Justice to the extent necessary for handling the review procedure and litigation.

Exceptionally and if necessary, personal data may be disclosed to an external investigator (staff member from another EU Agency) within the context of an administrative inquiry (please consult the Privacy Statement regarding administrative inquiries and disciplinary proceedings).

How long do we keep your data?

The EIT only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing:



- **5 years** for files containing the documents provided to OLAF and any documents and correspondence with OLAF concerning a case which have not given rise to an OLAF investigation;²
- **15 years** for files concerning OLAF cases, including all follow-up actions under the form of imposed sanctions and possible legal proceedings³.

To know how long your personal data will be kept by OLAF, please consult OLAF's Privacy Notices: https://anti-fraud.ec.europa.eu/system/files/2021-09/privacy_notice_internal_investigations_en.pdf; https://anti-fraud.ec.europa.eu/system/files/2021-09/privacy_notice_selections_en_0.pdf.

What are the rights of the data subject?

In accordance with Articles 15, 17, 18, 19 of the Data Protection Regulation of European Institutions the data subjects have the **right for information**, the **right of access**, the **right of rectification** in case their personal data is not complete or not accurate and the **right to erasure** ("right to be forgotten").

The data subjects have the right to obtain the **erasure** of their personal data in accordance with Article 19 of the Regulation and in particular in the cases when the personal data are no longer necessary in relation to the purposes for which they were collected, if the data subject withdraws its consent, or in case of unlawful processing.

Data subjects have also the **right to restriction** of processing of personal data in accordance with Article 20 of the Regulation, and the **right to object** on grounds listed in Article 23 of the Regulation.

The rights can be only exercised by sending a request in a written form to the eit-antifraud@eit.europa.eu or EIT-DPO@eit.europa.eu. As a general rule, the requests for information, access, rectification, erasure restriction are handled without undue delay and in any event within one month of receipt of the request; this period may be extended by further two months where necessary, taking into account the complexity and number of requests. In case the data subject contests the accuracy of the data, upon request, the data is restricted immediately for the period of verification of the accuracy of the data, not exceeding one month.

Restrictions to the rights of data subjects may be applied by the EIT, in accordance with Article 25 of the Data Protection Regulation of the European institutions and the EIT internal rules on restrictions⁴ inter alia on the grounds of prevention, investigation, detection, and prosecution of criminal offenses. Any such restriction will be limited in time, proportionate, and respect the essence of the above-mentioned rights.

When considering access rights EIT considers the status of the requester and the current stage of the investigation (whether the request is made by the person against whom an allegation has been made, the whistleblower, a witness, third party). For instance, informing the person alleged about the report at an early

² Pursuant to point EIT. 3.1.10.1 of the Specific Retention List annexed (annex III) to EIT Decision No 35/2021 on the document management implementing rules at the EIT

³ Pursuant to point EIT. 3.1.10.2 of the Specific Retention List annexed (annex III) to EIT Decision No 35/2021 on the document management implementing rules at the EIT

⁴ Currently under adoption. The final version will be published at the following link: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>



stage may be detrimental to further investigation. The right of access of a person alleged to the identity of a whistle-blower, witness, or a third party may be restricted in order to protect their rights and freedoms.

When access is granted to the personal information of any concerned individual, the personal information of the parties such as whistleblowers, witnesses, or third parties will be removed from the documents except in exceptional circumstances if the whistleblower authorizes such a disclosure, if this is required by any subsequent criminal law proceedings or if the whistleblower maliciously makes a false statement. If risk remains of third-party identification, access will be deferred.

As a rule, the data subject will be informed of the principal reasons for a restriction unless this information would cancel the effect of the restriction as such. You have the right to make a complaint to the EDPS concerning the scope of the restriction.

Who should be contacted in case of queries or complaints?

If you have any queries concerning the processing of your personal data, you may address them to the following email: eit-antifraud@eit.europa.eu.

You have the right of recourse at any time to the EIT's Data Protection Officer (EIT-DPO@eit.europa.eu) and to the European Data Protection Supervisor (EDPS@edps.europa.eu) or contact the site: <http://www.edps.europa.eu/EDPSWEB/>.

Legal basis of the processing operation

General legal basis:

- 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) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999;
- Regulation (EU) 2021/819 on the European Institute of Innovation and Technology (recast);
- Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS') laid down by Council Regulation (EEC, Euratom, ECSC) No 259/681 (Article 22A, B, 86, Annex IX, Section 1)

Specific EIT legal basis:

- EIT Decision of 20 February 2009 acceding to the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-fraud Office (OLAF);
- Decision 20/2023 of the EIT Director on the appointment of the EIT Staff members for various functions and definition of their tasks;
- EIT Decision No 2/2011 of 14 February 2011, concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests;
- Decision 16/2017 of 17 July 2017 of the EIT Governing Board on the EIT Policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment;



- Decision 34/2018 of the EIT Interim Director on Adopting a fraud-reporting procedure;
- Decision 33/2018 of the EIT Governing Board on laying down Guidelines on whistleblowing;
- Decision 21/2019 of the EIT Governing Board on the Financial Regulation of the EIT.

Grounds for lawfulness

In line with Article 5(b) of Regulation No. (EU) 2018/1725, the processing is necessary for compliance with a legal obligation to which the controller is subject, namely, to assist OLAF in the practical conduct of investigations according to Decision of the Governing Board of 20 February 2009 acceding to the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of OLAF.

Moreover, in line with Article 5(a) of Regulation No. (EU) 2018/1725, the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the EIT, namely, protection of financial interests of the Union (Article 24 of the EIT Regulation).