



European Research Council
Executive Agency

Established by the European Commission

DATA PROTECTION NOTICE

ERCEA Unit D.3 “Legal Affairs, Internal Control and Public Procurement” Processing of personal data in the context of criminal investigations conducted by the European Public Prosecutor’s Office (“EPPO”)

This notice concerns the processing operation called **“Processing of personal data in the context of criminal investigations conducted by the European Public Prosecutor’s Office (“EPPO”)”**. This processing requires the handling of personal data and is therefore subject to Regulation (EU) 2018/1725 (Data Protection Regulation)¹.

1. What personal information do we collect, from where and for what purpose?

1.a) Personal data

The categories of personal data that may be collected and/or processed depending on the context of the case and on a case-by-case analysis are the following:

- Identification data: surname, forename, birthday, birthplace, gender, nationality, marital (civil) status, address, country of birth/residence, private and professional telephone/fax numbers, e-mail address(es), identity card/passport number, staff personal number (if applicable);
- Data related to data subject’s career and profession: CV, profession, expertise, professional experience, function, current and previous organisation/employer, recruitment, offer, contracts and handover notes (if the case is related to a potential fraud perpetrated by a staff member), etc;
- Data related to education: university degrees/diplomas, etc;
- Data related to data subject’s family: e.g. personal details of the spouse/ children (if relevant and if the case is related to potential fraud perpetrated by a staff member);
- Data related to leave and absences: e.g. absence requests, CCP (“Congé de Convenance Personnelle”), maternity/parental/family leave (if the case is related to a potential fraud perpetrated by a staff member);
- Data related to missions and journeys: e.g. mission status/history, period of mission, destination and purpose (if the case is related to a potential fraud perpetrated by a staff member);
- Data related to social security, pensions, expenses and medical benefits (if the case is related to a potential fraud perpetrated by a staff member);
- Data related to financial aspects: banking details such as the account number reference (IBAN and BIC codes), the name of the bank account holder, payments, salary slips, allowances, determination of rights (PMO forms) and supporting documents justifying the allowances, function group, grade, step and seniority,

¹ REGULATION (EU) 2018/1725 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.

contract duration (if the case is related to a potential fraud perpetrated by a staff member);

- Data related to suspected offences, offences, criminal convictions or security measures;
- Data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct);
- Biometric data for the purpose of uniquely identifying a natural person: handwritten signatures (e.g. on timesheets).
- Data related to reporting to the EPPO: description of the potential case, activities and information related to matters which could be the subject of investigation;
- Data related to offences and criminal convictions (Art 11 of the Data protection regulation).

1.b) Purposes of the processing

The purpose of the processing is to exchange necessary information with the EPPO under the conditions laid down in the signed Working Arrangement between the EPPO and the Executive Agencies². ERCEA has to process personal data of individuals involved in specific cases, which includes the reporting by the Agency to the EPPO (either directly or via OLAF) of any suspicions of criminal conduct in respect of which the EPPO could exercise its competence, informing EPPO of cases where it is not possible for the Agency to make an assessment about the need for EPPO to exercise its competence and/or supporting EPPO by providing relevant information concerning investigations carried out by the EPPO. This also includes the cooperation with EPPO in the implementation of Data Protection Obligations, as laid down in the Working Arrangement.

The overall purpose of the data processing is the protection of the financial interests of the European Union.

1.c) From where the data is collected

The personal data processed might be found in timesheets, curriculum vitae, reports (interim, final) of staff members / representatives / members of scientific team of beneficiaries involved in grant agreements or contractors involved in public procurement, in prefinancing, in recovery orders or in probation and evaluation reports of Agency staff; etc.

2. Who has access to your information and to whom is it disclosed?

Within the Agency, the following recipients will have access to the data:

- The Director of the Agency;
- Authorised members of the Agency staff on a need-to-know basis (e.g. of the Clearing Committee and Integrity Standing Committee);
- The EPPO correspondent within the Agency

Other potential recipients may be:

- Members of the Steering Committee of the Agency;
- OLAF for administrative investigations and assessment of cases;
- EPPO correspondents within the European Commission and/or other Executive Agencies;

² https://www.epo.europa.eu/sites/default/files/2023-10/12.06.2023_Working-Arrangement-EPPO-EAs-annexes-website.pdf

- The Common Audit Service of DG RTD in its capacity as chair/coordinator of the Fraud and Irregularities in Research (FAIR) Committee;
- The EDES Panel referred to in Article 145 of the Financial Regulation;
- In case of audits or proceedings, etc., the Agency's external auditors and/or Internal Controller, Data Protection Officer, Legal Affairs Sector, etc. may also get access to this data.

In addition, certain administrative details may be disclosed, in compliance with the relevant current legislation and established case law, and on a temporary basis to legislative or supervisory bodies of the ERCEA, as well as auditing bodies.

3. What are your rights?

You have the right to access the personal data the ERCEA holds about you and to request to have them rectified where necessary. Where applicable, you have the right to request restriction or to object to processing, to request a copy or erasure of your personal data held by the data controller.

To exercise any of these rights, you should apply to the Head of Unit D.3 "Legal Affairs, Internal Control and Public Procurement" of ERCEA, who is responsible for such processing (i.e. the Controller), by sending an e-mail specifying your request to the mailbox indicated in point 5. Please note that in some cases restrictions under the terms and conditions of Article 25 of the Data protection regulation may apply.

Any request to exercise your rights will be dealt within one month from receipt of the request. This period may be extended pursuant to Article 14(3) of the Data Protection Regulation.

You are also informed that the right to information, access, rectification, erasure, restriction or objection to processing, communication of a personal data breach or due to the confidentiality of electronic communications may be restricted only under certain specific conditions as set out in the applicable Restriction Decision³ in accordance with Article 25 of Regulation (EU) 2018/1725.

4. How long do we keep your data?

Personal data shall be stored for no longer than is necessary for the achievement of the purposes for which the data were collected or further processed.

According to the Common Retention List (CLR) the personal data collected (electronic and paper format) in relations with EPPO will be kept for a maximum period of 5 years after closure of the file. For the files related to the cooperation between the Agency and EPPO concerning investigations and disciplinary procedures the personal data collected will be kept for a maximum of 15 years after the closure of the files that have given rise to investigations and for a maximum of 5 years after the closure of the files that have not given rise to investigations.

In accordance with the common Commission Retention List and after the 'administrative retention period', files concerning relations with the EPPO may be transferred to the Historical Archives of the European Commission for historical purposes.

³ Decision of the Steering Committee of the European Research Council Executive Agency of 11 December 2020 on internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data in the framework of activities carried out by the European Research Council Executive Agency (OJ L 144, 27.4.2021, p.35-44).

5. Contact information

If you would like to receive further information, you can contact the responsible person (the Data Controller), Head of Unit D.3 “Legal Affairs, Internal Control and Public Procurement” of ERCEA via the mailbox:

ERC-ANTI-FRAUD@ec.europa.eu

The ERCEA Data Protection Officer is at your disposal for any clarification you might need on your rights under Regulation (EU) 2018/1725 at the following e-mail address:

ERC-DATA-PROTECTION@ec.europa.eu

You may lodge a complaint 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 Data Controller.

6. Legal basis

The legal basis applying to these processing operations are:

- Article 5(1) of the Data Protection Regulation:
 - (a) 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 Union institution or body (to be laid down in Union Law);
 - (b) processing is necessary for compliance with a legal obligation to which the controller is subject (to be laid down in Union Law);
- Articles 317 and 325 of the Treaty of the Functioning of the European Union (Official Journal of the European Union, C 326, 26 October 2012);
- Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union;
- Council Regulation 58/2003 of 19 December 2002, laying down the Statute for executive agencies to be entrusted with certain tasks in the management of EU programmes;
- Commission Implementing Decision (2021/3779/EU) of 17 December 2021 establishing the European Research Council Executive Agency and repealing Decision 2008/37/EC
- Commission decision C(2021)952 of 12 December 2021 delegating powers to the European Research Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of Research and Innovation, Research of the Fund for Coal and Steel and Information Provision and Promotion Measures concerning Agricultural Products comprising, in particular, implementation of appropriations entered in the general budget of the Union;
- 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;
- Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'), OJ L 283, 31.10.2017, p. 1-71.).

