



## EUROPEAN RESEARCH EXECUTIVE AGENCY (REA)

### RECORD OF PERSONAL DATA PROCESSING

Art. 31 of the *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* (henceforth the "Data protection regulation")

**Record n°**

60

*In accordance with Article 31 of the data protection regulation, individuals whose personal data are processed by the Executive Agency in any context whatsoever are to be protected with regard to the processing of personal data and the Executive Agency has to keep records of their processing operations.*

*This record covers the following processes:*

- 1) Mandatory records under Art 31 of the data protection regulation*
- 2) Compliance check and risk screening*

*The ground for the record is (tick the relevant one):*

**Regularization of a data processing activity already carried out.**

Record of a new data processing activity prior to its implementation.

Change of a data processing activity.

<b>PART 1</b> <b>(This part may be public)</b> <b>Processing of personal data in the context of criminal investigations conducted by European Public Prosecutor's Office ("EPPO")</b>		
<b>1</b>	<b>Creation and last update of this record (if applicable)</b>	October 2024
<b>2</b>	<b>Title of the processing</b>	Processing of personal data in the context of criminal investigations conducted by European Public Prosecutor's Office ("EPPO")
<b>(This part may be public)</b> <b>Part 1 - Article 31 Record</b>		
<b>2a</b>	<b>Legal basis</b>	<p>Article 5(1) (a) and (b) of the Regulation:</p> <p>(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;</p> <p>(b) processing is necessary for compliance with a legal obligation to which the controller is subject:</p> <ul style="list-style-type: none"> <li>- 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);</li> <li>- 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 ("Financial Regulation");</li> <li>- COMMISSION IMPLEMENTING DECISION (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture Executive Agency and</li> </ul>

		<p>repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU</p> <ul style="list-style-type: none"> <li>- Commission Decision C(2021)952 of 12 February 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;</li> <li>- Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office (‘the EPPO’);</li> <li>- Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes;</li> <li>- Working Arrangement establishing the modalities of cooperation between the European Climate, Infrastructure and Environment Executive Agency (CINEA), the European Education and Culture Executive Agency (EACEA), the European Innovation Council and SMEs Executive Agency (EISMEA), the European Research Council Executive Agency (ERCEA), the European Health and Digital Executive Agency (HaDEA) and the European Research Executive Agency (REA), and the European Public Prosecutor’s Office (EPPO), Ares(2023)4802878</li> </ul>
3	<p><b>Function and contact details of the controller</b></p>	<p>The controller is the European Research Executive Agency (REA), represented by its Director. For organisational reasons, the role of the data controller has been entrusted by the Director to the delegated controller and is exercised by REA <i>Head of Unit, D3, Finance</i>.</p> <p>The data controller may be contacted via functional mailbox: <a href="mailto:REA-ANTI-FRAUD@ec.europa.eu">REA-ANTI-FRAUD@ec.europa.eu</a></p>

4	<b>Contact details of the Data Protection Officer (DPO)</b>	<a href="mailto:REA-DATA-PROTECTION-OFFICER@ec.europa.eu">REA-DATA-PROTECTION-OFFICER@ec.europa.eu</a>
5	<b>Name and contact details of joint controller (where applicable)</b>	N/A
6	<b>Name and contact details of processor (where applicable)</b>	N/A
7	<b>Purpose of the processing</b>	To exchange information under the conditions laid down in the Working Arrangement and its annexes between the EPPO and the Executive Agencies. This includes the reporting by the Agency to the EPPO of any suspicions of criminal conduct in respect of which the EPPO could exercise its competence and/or supporting the EPPO by contributing on a need-to-know basis to the investigations carried out by the EPPO by providing relevant information.
8	<b>Description of the categories of data subjects</b>	<p><i>Within the Agency:</i></p> <ul style="list-style-type: none"> <li>• Agency’s staff in the context of reporting duties to EPPO;</li> <li>• Agency’s staff identified by the EPPO investigation;</li> <li>• Staff who have provided information to EPPO including informants; whistle-blowers, witnesses and persons giving statements;</li> <li>• Agency’s staff whose names appear in documents processed;</li> <li>• Other persons whose name may appear in the case file.</li> </ul> <p><i>Outside of to the Agency:</i></p> <ul style="list-style-type: none"> <li>• Persons concerned by the EPPO investigation, such as: <ul style="list-style-type: none"> <li>○ staff members or representatives of applicants in calls for proposals, beneficiaries of grant agreements managed by the Agency, experts (evaluation, monitoring, etc), tenderers</li> </ul> </li> </ul>

		<p>in procurement procedures and contractors of the Agency;</p> <ul style="list-style-type: none"> <li>○ staff members or representatives of other legal entities involved in public contracts or grant agreements managed by the Agency, if the suspicion of potential fraud, corruption and other unlawful activities under Regulation (EU, Euratom) No 883/2013 concerns them;</li> <li>● Persons who have provided information to EPPO including informants, whistle-blowers, witnesses and persons who have provided statements;</li> <li>● EPPO staff involved in the case;</li> <li>● (Delegated) Prosecutors and national authorities involved; Other persons whose name may appear in the case file.</li> </ul>
<p><b>9</b></p>	<p><b>Description of personal data categories</b></p> <p>Indicate <b>all</b> the categories of personal data processed and specify which personal data are being processed for each category (between brackets under/next to each category):</p>	<ul style="list-style-type: none"> <li>● Identification data: surname, forename, birthday, birthplace, address, telephone number, e-mail address, personal number (where applicable);</li> <li>● Professional data: profession, organisation, function etc.;</li> <li>● Data related to education: university, degree, etc.</li> <li>● 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;</li> <li>● Data related to financial aspects: banking details such the account number and the name of the bank account's holder, timesheets in order to provide evidence of payments made to beneficiaries (who are suspected of fraudulent or illegal activity) or of decision to suspend or terminate the participation of such beneficiaries or contractors or the grants or the contracts;</li> <li>● Data related to offences and criminal convictions (Art 11 of the Regulation).</li> </ul> <p>These data 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</p>

		involved in public procurement, in prefinancing, payments, in recovery orders or in probation and evaluation reports of Agency staff; etc.
10	<p><b>Retention time (time limit for keeping the personal data)</b></p>	<p>REA applies the principles and retention periods indicated in Common Retention List of the Commission (<a href="#">Third revision of the Common Commission-level retention list for European Commission files   European Commission (europa.eu)</a>) by analogy.</p> <p>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) - SEC(2022)400, the personal data collected (electronic and paper format)</p> <p>For the files on relations with EPPO during its investigation: data will be kept for a maximum period of 5 years after closure of the file (CLR – under point 2.4.9)<sup>1</sup>.</p> <p>For the files on the cooperation with EPPO in disciplinary procedures of the Agency with EPPO in its investigations regarding natural persons within the Agency (CLR-under point 12.4.4): 15 years after the closure of the file that have given rise to investigations and 5 years after the closure of the files that have not given rise to investigations.</p> <p><i>Is any further processing for historical, statistical or scientific purposes envisaged?</i></p> <p>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.</p>

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<sup>1</sup> SEC(2022)400 – ARES(2022)8801492, 19.12.2022

<p><b>11</b></p>	<p><b>Recipients of the data</b></p>	<p><i>Within the Agency, the following recipients may have access to the data:</i></p> <ul style="list-style-type: none"> <li>• The Director of the Agency;</li> <li>• Authorised members of the Agency staff;</li> <li>• The EPPO correspondents within the Agency;</li> </ul> <p><i>Outside the Agency the following recipients may have access to the data:</i></p> <ul style="list-style-type: none"> <li>• EPPO case handlers/responsible staff;</li> <li>• Members of the REA Steering Committee;</li> <li>• EPPO correspondents within the European Commission and/or other EU institutions, bodies, offices and agencies;</li> <li>• The members of EDES Panel referred to in Article 145 of the Financial Regulation, Panel's secretariat and other authorised staff from DG BUDG;</li> <li>• In case of audits or legal proceedings, etc., the Agency's external auditors and/or Internal Controller, Legal Service of the European Commission, etc. may also get access to this data.</li> </ul> <p>In addition, data may be disclosed to public authorities, which are not regarded as recipient in accordance with Union and Member State law. The processing of those data by those public authorities shall comply with the applicable data protection rules according to the purpose of the processing:</p> <ul style="list-style-type: none"> <li>• The European Court of Justice or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure;</li> <li>• Investigation and Disciplinary Office (IDOC) in line with Commission Decision of 12 June 2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings - C(2019)4231 and Commission Decision (EU) 2019/165 of 1 February 2019 Internal rules concerning the provision of information to data subjects and the restriction of certain of their data protections rights in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings;</li> </ul>
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12	<p><b>Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?</b></p>	<p>Data is transferred to countries outside the EU or EEA: No</p> <p>Data is transferred to international organisation(s): No</p>
13	<p><b><u>General</u> description of the technical and organisational security measures</b></p>	<p>All data in electronic format (e-mails, documents etc.) are stored on a secured drive with restricted access on a need-to-know basis.</p> <p>The Agency is bound by Commission Decision 2017/46 of 10/1/2017 on the security of communications &amp; information systems in the European Commission.</p>



		<p>An Outlook functional mailbox is created and used for the purpose of handling EPPO cases and is under SECEM encryption: access to this mailbox is restricted on a need-to-know basis to the staff members designated to handle these cases.</p> <p>Documents related to EPPO cases are no longer shared via functional mailbox but are exchanged via EPPO-box (since April 2024) – created by EPPO for REA cases so that the material is stored directly in EPPO’s Case Management System in a secured mode.</p> <p>Documents related to EPPO cases may also be stored in ARES with the relevant safeguards (access via ECAS password and authentication).</p> <p>Reporting to EPPO follows the format of the EPPO crime report, via the available secured tools.</p> <p>Paper files related to EPPO cases are processed under strict confidentiality via a sealed envelope transmitted hand to hand between the relevant staff authorised to process this information. Paper files are then kept in a locked cupboard accessible only to a limited number of authorised staff in line with the retention rules (see above).</p> <p>The processing is subject to specific internal procedures as described in the REA’s Common Procedures - <a href="#">Anti-Fraud Actions (sharepoint.com)</a></p>
<p><b>14</b></p>	<p><b><u>Data subject rights/restrictions</u></b></p>	<p>A data subject can submit a request concerning access, rectification, erasure, restriction or objection to processing of their personal data to the Controller (Article 14(3) of Regulation (EU) 2018/1725) by sending their request to the Functional Mailbox or to the email indicated in the record.</p> <p>They may be restricted only under certain specific conditions as set out in the applicable <a href="#">Restriction Decision</a> in accordance with Article 25 of Regulation (EU) 2018/1725.</p> <p>Further to the above, data subjects may contact the REA Data Protection Officer (DPO): <a href="mailto:REA-DATA-PROTECTION-OFFICER@ec.europa.eu">REA-DATA-PROTECTION-OFFICER@ec.europa.eu</a></p> <p>In case of conflict, complaints can be addressed to the European Data Protection Supervisor: <a href="mailto:EDPS@edps.europa.eu">EDPS@edps.europa.eu</a></p>

<b>15</b>	<b>Information to data subjects/Data protection notice (DPN)</b>	A Data Protection Notice (DPN) relevant to this data processing is available in the <a href="https://european-commission.europa.eu">Public Central Register for Data Protection Records in REA - European Commission (europa.eu)</a> and it is transmitted by the data controller to the data subjects, where applicable.
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