



Data Protection Notice

External cases of potential fraud and/or other financial irregularities

In accordance with the Regulation (EU) 2018/1725 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 (Regulation), the Research Executive Agency (Agency or REA) collects your personal information only to the extent necessary to fulfil a precise purpose related to our tasks.

1. WHY DO WE COLLECT YOUR PERSONAL DATA?

The purpose of the processing activity is to prevent and detect fraud, as well as other financial irregularities or conflict of interest committed/incurred at the level of the applicants and /or beneficiaries of EU funds, and ensure sound financial management of the EU funds which are managed by the Agency on the basis of the Article 14(2) of the REA Delegation Act¹.

In particular, it is necessary to analyse information relating to potential fraud or other financial irregularities and decide on whether it should be transferred to the European Anti-Fraud Office (OLAF) or not. Alternatively, ex-post financial audits or technical audits may be launched and/or other precautionary measures taken.

2. WHO IS RESPONSIBLE FOR THIS PROCESS?

The controller is the Research Executive Agency (REA). For organisational reasons, the role of data controller is exercised by the Head of Unit FINANCE. The controller may be contacted via functional mailbox: REA-ANTI-FRAUD@ec.europa.eu.

3. WHAT IS THE LEGAL BASIS TO COLLECT YOUR DATA?

The processing is necessary for the performance of tasks carried out in the public interest or in the exercise of official authority vested in the Union institution or body (Article 5(1)(a) of Regulation) as established by the following legal acts:

- 317 and 325 of the Treaty of the Functioning of the European Union (Official Journal of the European Union, C 326, 26 October 2012)
- Commission Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union;
- Article 14 of Commission Decision C(2013) 9418 of 20 December 2013 delegating powers to the Research Executive Agency with a view to performance of tasks linked to implementation of the specific Community programmes People, Capacities and Cooperation in the field of research comprising, in particular, implementation of appropriations entered in the Community budget;
- Regulation (EU, EURATOM) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European

¹ Commission Decision C(2013) 9418 of 20 December 2013.

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 (Euratom, EC) No 2185/1996 of 11 November 1996 concerning on-the-spots checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities;
- 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.

4. WHICH PERSONAL DATA ARE COLLECTED?

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: Last name, first name, address, e-mail, phone number (s), etc.;
- Data relating to the data subject's professional details: curriculum vitae (CV), position within the entity, function, unit, etc.;
- Data relating to the conduct of the person, giving rise to possible irregularities: description of the serious wrongdoing/irregularity, source of information, causes of the presumed irregularity, impact on EU interests, amount involved, actions to mitigate the irregularity (taken/planned), etc.
- Data relating to financial aspects: pre-financing, recovery orders, timesheets in order to provide evidence of payments made to beneficiaries (who are suspected of fraudulent or illegal activity);
- Data contained in reports (interim, final) in case of natural persons (staff members / representatives / members of scientific team) in organisations (beneficiaries of grant agreements).

The categories of data listed above shall be collected and/or processed on a case-by-case basis. Their presence is neither systematic nor necessary and it depends on the content of a particular case.

Special categories of data

- Data relating to suspected offences, offences, criminal convictions and or security measures.

The persons in charge of the above-mentioned processing operation in the REA are reminded not to collect and further process excessive data in relation to what is necessary and proportionate in order to process the files relating to potential fraud and/or other financial irregularities.

5. WHO WILL HAVE ACCESS TO YOUR PERSONAL DATA?

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

- The Director of the Agency;
- Authorised members of the REA staff;
- The OLAF correspondents within the REA;
- Members of the REA Steering Committee.

Other potential recipients are:

- OLAF correspondents within the Commission's DGs (in particular DG EAC, DG RTD, DG GROW, DG DEFIS, DG CNECT, DG HOME, DG AGRI and others);
- Internal Audit Service (DG IAS) of the European Commission;
- The Court of Justice of the European Union;
- European Court of Auditors (ECA);
- The Panel referred to in Article 143 of the Financial Regulation;

- European Ombudsman;
- European Data Protection Supervisor (EDPS);
- European Anti-Fraud Office (OLAF).

6. HOW LONG DO WE KEEP YOUR PERSONAL DATA?

The data collected and/or processed in the frame of the above-mentioned processing is kept under the relevant project or contract (under public procurement) file and is subject to the overall retention policy for that grant management/contract (under public procurement) file.

With regards files on the activities by OLAF to protect the financial interests of the EU and to fight fraud, corruption and any other illegal activity, including within the European institutions - but excluding its activities with regards to Commission personnel - according to the Common Commission-level Retention List of Annex 1 "CLR management schedule of the Common Commission-level retention list for European Commission files – second revision", approved by the Secretary General of the European Commission (SEC(2019)900, Ref. Ares(2019)2627677 - 15/04/2019) applied by analogy in the REA Retention Plan, the retention periods are as follows:

- Files concerning dismissed cases²: 10 years after the end of the project or contract (under public procurement) ;
- Files concerning investigative cases with recommendations and the related follow-up actions: 15 years from the receipt of the OLAF decision to finalise the investigation with recommendations;
- Files concerning investigative cases without recommendations and with no monitored follow-up actions: 10 years after the end of the project or contract (under public procurement) ;
- Files on REA cooperation with OLAF in its investigations: 10 years after the end of the project or contract (under public procurement).

Is any further processing for historical, statistical or scientific purposes envisaged? **No**

7. WHAT ARE YOUR RIGHTS?

Data subjects may send their requests to the following email address: REA-ANTI-FRAUD@ec.europa.eu.

Requests for accessing, blocking, rectifying or erasing (where applicable) of the different categories of data will be evaluated on a case-by-case basis.

8. CONTACT INFORMATION

In case you have any questions about the collection/processing of your personal data, you may contact the data controller who is responsible for this processing activity by using the following email address: REA-ANTI-FRAUD@ec.europa.eu.

Further to the above, the following instances can be addressed:

REA Data Protection Officer (DPO): REA-DATA-PROTECTION-OFFICER@ec.europa.eu

In case of conflict, complaints can be addressed to the European Data Protection Supervisor: EDPS@edps.europa.eu.

² A dismissed case is a case in which the Director-General of OLAF has made a decision that the information of possible investigative interest does not meet the criteria for the opening of an investigation or coordination case.