



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 Regulation”)*)

Record n°

N° 38

In accordance with Article 31 of the 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 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.*

X *Change of a data processing activity.*

PART 1 (This part may be public) External cases of potential fraud and/or other financial irregularities		
1	Creation and last update of this record (if applicable)	Creation: 22 January 2020 Ares(2020)392479 Last update: October 2024
2	Title of the processing	External cases of potential fraud and/or other financial irregularities
(This part may be public) Part 1 - Article 31 Record		
2a	Legal basis	Article 5(1) (a), (b) of the 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 ¹ ; (b) processing is necessary for compliance with a legal obligation to which the controller is subject: <ul style="list-style-type: none"> - 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 (“the Financial Regulation”); - Commission Decision C(2021)952 of 12 February 2021 delegating powers to the European Research Executive Agency with a

¹ The legal basis under Article 5(1): **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, OJ L 11, 16.1.2003; **REA Establishment act: 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 repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU, OJ L 50, 15.2.2021; **REA Delegation Act: COMMISSION DECISION C(2021)952** of 12.2.2021 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.

		<p>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;</p> <ul style="list-style-type: none"> - 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 (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 (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'). - 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.
3	Function and contact details of the controller	<p>The controller is the European Research Executive Agency ("REA" or "the Agency"), 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: REA-ANTI-FRAUD@ec.europa.eu</p>
4	Contact details of the Data Protection Officer (DPO)	<p>REA-DATA-PROTECTION-OFFICER@ec.europa.eu</p>
5	Name and contact details of joint controller (where applicable)	N/A

6	Name and contact details of processor (where applicable)	N/A
7	Purpose of the processing	<p>The processing operation in the context of "External cases of potential fraud and/or other financial irregularities" is necessary to prevent and detect fraud, as well as other financial irregularities or conflict of interest committed/incurred at the level of the applicants under call for proposals/tenderers under call for tenders and /or beneficiaries under grants /contractors under public procurement, and ensure sound financial management of the EU funds which are managed by the Agency on the basis of the Article 4 of the REA Delegation Act².</p> <p>In particular, it is necessary to analyse information which may contain personal data relating to potential fraud or other financial irregularities and decide on whether it should be transferred to the European Anti-Fraud Office ("OLAF") or the European Public Prosecutor's Office ("EPPO") or not. Alternatively, ex-post financial audits or technical audits may be launched and/or other precautionary measures taken.</p>
8	Description of the categories of data subjects	<p>Staff members (or representatives) of applicants in call for proposals and/or beneficiaries of grant agreements and of tenderers in call for tenders and/or contractors in public contracts (under public procurement) concluded with the Agency, if the suspicion of potential fraud and/or other financial irregularities concerns them.</p> <p>Investigators, whistle-blowers, informants, witnesses related to the case.</p> <p><u>Note:</u> The processing operation involving personal data in the context of whistleblowing about alleged wrongdoing by staff in the Agency and/or from other EU bodies is covered by a separate record of personal data processing activity (REA RECORD 40 ICS whistleblowing.pdf (europa.eu))</p>

² Commission Decision C(2021) 952 final of 12.2.2021.

<p>9</p>	<p>Description of personal data categories</p> <p>Indicate all 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>	<p>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:</p> <ul style="list-style-type: none"> • Identification data: Last name, first name, address, e-mail, phone number (s), etc.; • Data relating to the data subject's professional details: position within the entity, function, unit, etc.; • Data related to education: university, degree, 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: banking details such the account number and the name of the bank account's holder; • Data related to offences and criminal convictions (Art 11 of the Regulation). <p>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.</p> <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 involved in public procurement, in prefinancing, payments, in recovery orders etc.</p> <p>The persons in charge of the above-mentioned processing operations in REA are obliged to process the relevant data only to the extent necessary and proportionate in relation to the files of potential fraud and/or other financial irregularities.</p>
<p>10</p>	<p>Retention time (time limit for keeping the personal data)</p>	<p>REA applies the principles and retention periods indicated in Common Retention List of the Commission (Third revision of the Common Commission-level)</p>

	<p>retention list for European Commission files European Commission (europa.eu) by analogy.</p> <p>The data collected and/or processed in the frame of the above-mentioned processing is kept under the relevant project (under call for proposals) or contract (under public procurement) file and is subject to the overall retention policy for that grant management/contract file.</p> <p>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, bodies and agencies - 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 – third revision", approved by the Secretary General of the European Commission (SEC(2022)400, Ref. Ares(2022)8801492 – 19/12/2022) applied by analogy in the REA Retention Plan, the retention periods are as follows:</p> <ul style="list-style-type: none"> • Files concerning dismissed cases³: 15 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 (under OLAF retention period); • Files concerning investigative cases without recommendations and with no monitored follow-up actions: 15 years after the end of the project or contract (under public procurement); • Files on REA cooperation with OLAF in its investigations: 5 years after the end of the project or contract (under public procurement). <p><i>Is any further processing for historical, statistical or scientific purposes envisaged?</i></p>
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³ 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.

		<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>
<p>11</p>	<p>Recipients of the data</p>	<p><u>Within the Agency, the following recipients will have access to the data:</u></p> <ul style="list-style-type: none"> • The Director of the Agency; • Authorised members of REA staff; • The OLAF correspondents within REA. <p><i>Outside the Agency, the following recipients will have access to the data:</i></p> <ul style="list-style-type: none"> • Members of the REA Steering Committee; • Anti-fraud correspondents within the European Commission and/or other Executive Agencies for the purpose of coordination and exchange of information; • European Antifraud Office (OLAF); • Authorised staff from Directors-General of the parent Directorates-General; • The members of EDES Panel referred to in Article 145 of the Financial Regulation, Panel’s secretariat and other authorised staff from DG BUDG; • Authorised staff from Legal Service of the European Commission. <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"> • 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; • 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

		<p>information to data subjects and the restriction of certain of their data protection rights in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings;</p> <ul style="list-style-type: none"> • The competent Appointing Authority in case of a request or a complaint lodged under Articles 90 of the Staff Regulations; • The Internal Audit Service of the Commission within the scope of the tasks entrusted by article 118 of the Financial Regulation and by article 49 of the Regulation (EC) No 1653/2004; • The Court of Auditors within the tasks entrusted to it by Article 287 of the Treaty on the Functioning of the European Union of the EC Treaty and Article 20, paragraph 5 of Regulation (EC) No 58/2003; • The European Ombudsman within the scope of the tasks entrusted to it by Article 228 of the Treaty on the Functioning of the European Union; • The European Data Protection supervisor in accordance with Article 58 of the Regulation (EC) 2018/1725; • The European Public Prosecutor's Office within the scope of Article 4 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office. <p>This transmission is restricted to the information necessary for the legitimate performance of tasks within the competence of the recipient. The recipients of the data are reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.</p>
12	<p>Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?</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><u>General description of the technical and organisational security measures</u></p>	<p>All data in electronic format (e-mails, documents...) 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 & information systems in the European Commission.</p> <p>An Outlook functional mailbox is created and used for the purpose of handling OLAF and/or 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 shared 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 OLAF/ 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 OLAF/ 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 - Anti-Fraud Actions (sharepoint.com)</p>
14	<p><u>Data subject rights/restrictions</u></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 the Data protection Regulation) by sending their request to the Functional Mailbox of the controller 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 Restriction Decision in accordance with Article 25 of the Regulation.</p>

		<p>Further to the above, data subjects may contact the REA Data Protection Officer (DPO): REA-DATA-PROTECTION-OFFICER@ec.europa.eu</p> <p>In case of conflict, complaints can be addressed to the European Data Protection Supervisor: EDPS@edps.europa.eu</p>
15	Information to data subjects/Data protection notice (DPN)	<p>A Data Protection Notice (DPN) relevant to this data processing is available in the REA public register of records and it is transmitted by the data controller to the data subjects, where applicable.</p>