



EUROPEAN COMMISSION  
RESEARCH EXECUTIVE AGENCY

## RECORD OF PERSONAL DATA PROCESSING ACTIVITY

*In accordance with Article 31 of 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), individuals whose personal data are processed by the Research Executive Agency (REA or Agency) in any context whatsoever are to be protected with regard to the processing of personal data and the Agency has to keep records of their processing activities.*

Record No: 38  
Created on (date): 20 December 2019  
Last update (date):

### NAME OF THE PROCESSING ACTIVITY

External cases of potential fraud and/or other financial irregularities.

## **1. MANDATORY RECORD UNDER ARTICLE 31 OF THE REGULATION**

### **1.1. Name and contact details of controller**

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](mailto:REA-ANTI-FRAUD@ec.europa.eu).

### **1.2. Name and contact details of the Data Protection Officer (DPO)**

BRUNET COMPANY Maria Francisca ([REA-DATA-PROTECTION-OFFICER@ec.europa.eu](mailto:REA-DATA-PROTECTION-OFFICER@ec.europa.eu)).

### **1.3. Name and contact details of joint controller (where applicable)**

Not applicable.

### **1.4. Name and contact details of processor (where applicable)**

Not applicable.

### **1.5. Purpose of the processing**

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 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 Act<sup>1</sup>.

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.

### **1.6. Legal basis for the processing**

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)

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 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;

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<sup>1</sup> Commission Decision C(2013) 9418 of 20 December 2013.

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.

### **1.7. Categories of data subjects**

Natural persons such as staff members (or representatives) of applicants and/or beneficiaries of grant agreements and contractors whose details are referenced in public contracts (under public procurement) concluded with the Agency, if the suspicion of potential fraud and/or other financial irregularities concerns them;

Whistle-blowers, informants, witnesses related to the case analysed and/or sent to OLAF for investigation.

Note: The processing operation involving personal data in the context of whistleblowing about alleged wrongdoing by staff in the Agency and/or other EU bodies is covered by a separate record of personal data processing activity.

### **1.8. Categories of 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: 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.

### **1.9. Retention time (time limit for keeping the 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 cases<sup>2</sup>: 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 (under OLAF retention period);
- 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**

#### **1.10. Recipients of the 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.

Other potential recipients are:

- Members of the REA Steering Committee;
- 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).

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.

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<sup>2</sup> 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.

### **1.11. Transfers of personal data to third countries or international organisations**

Not applicable.

### **1.12. High-level description of security measures**

All data in electronic format (emails, documents, etc.) that are processed during this processing activity are stored either on the servers of the European Commission or of the REA, the operations of which abide by the European Commission's security decisions and provisions established by the Directorate of Security for this kind of servers and services. Access to data is granted only to authorised members of the REA staff.

### **1.13. Data Protection Notice**

A Data Protection Notice (DPN) relevant to this data processing activity is available under the REA Intranet (Section "Data Protection").