



EUROPEAN RESEARCH EXECUTIVE AGENCY (REA)

## **Data Protection Notice**

### **Processing of personal data in the context of criminal investigations conducted by European Public Prosecutor's Office ("EPPO")**

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 European Research Executive Agency ("the 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 exchange information under the conditions laid down in the Working Arrangement and its annexes<sup>1</sup> 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.

#### **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 REA *Head of Unit, D3, Finance*. The controller may be contacted via functional mailbox: [REA-ANTI-FRAUD@ec.europa.eu](mailto: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 the Regulation) as established by the following legal acts:

- 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);

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<sup>1</sup> 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

- 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;
- 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;
- 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. 2 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 (‘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.

#### 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: surname, forename, birthday, birthplace, address, telephone number, e-mail address, personal number (where applicable);
- Professional data: profession, organisation, function etc.;
- Data related to education: university, degree, etc.
- 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 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;
- Data related to offences and criminal convictions (Art 11 of the Regulation).

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 or in probation and evaluation reports of Agency staff; etc.

## **5. WHO WILL HAVE ACCESS TO YOUR PERSONAL DATA?**

### **a. WHO WILL HAVE ACCESS TO THE DATA WITHIN THE AGENCY?**

- The Director of the Agency;
- Authorised members of the Agency staff;
- The EPPO correspondents within the Agency;

### **b. WHO WILL HAVE ACCESS TO THE DATA OUTSIDE THE AGENCY?**

- EPPO case handlers/responsible staff;
- Members of the REA Steering Committee;
- EPPO correspondents within the European Commission and/or other EU institutions, bodies, offices and agencies;
- The members of EDES Panel referred to in Article 145 of the Financial Regulation, Panel's secretariat and other authorised staff from DG BUDG;
- 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.

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:

- 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 information to data subjects and the restriction of certain of their data protection rights;
- The competent Appointing Authority;
- 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 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;
- European Anti-Fraud Office (OLAF) in case of an investigation conducted in application of Regulation (EU, Euratom) No 883/2013;
- The European Data Protection supervisor in accordance with Article 58 of the Regulation (EC) 2018/1725;

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.

## **6. HOW LONG DO WE KEEP YOUR PERSONAL 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) - (SEC(2022)400 the personal data collected (electronic and paper format) and related to this processing will be kept for a maximum period of 5 years after closure of the file (CLR – under point 2.4.9)<sup>2</sup>.

For the files on the cooperation 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.

*Is any further processing for historical, statistical or scientific purposes envisaged?*

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.

## **7. WHAT ARE YOUR RIGHTS?**

As data subject you can exercise your rights, such as the right to access, rectification, erasure, restriction, objection to processing of your personal data and withdrawal of consent (where applicable) by sending an email to the data controller’s functional mailbox/email: [REA-ANTI-FRAUD@ec.europa.eu](mailto:REA-ANTI-FRAUD@ec.europa.eu)

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 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 Decision](#) in accordance with Article 25 of Regulation (EU) 2018/1725.

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

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<sup>2</sup> SEC(2022)400 – ARES(2022)8801492, 19.12.2022

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

REA Data Protection Officer (DPO): [REA-DATA-PROTECTION-OFFICER@ec.europa.eu](mailto: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](mailto:EDPS@edps.europa.eu).

