



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 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 prevent and detect fraud, as well as other financial irregularities or conflict of interest committed/incurred at the level of the applicants under calls for grants/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 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 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.

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*. You may contact the controller via their functional mailbox: REA-ANTI-FRAUD@ec.europa.eu.

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

The processing of the data 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:

- 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 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

¹ Commission Decision C(2021) 952 final of 12.2.2021.

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 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 we may collect and/or process, 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: 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 relating to suspected offences, offences, criminal convictions and or security measures (Article 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 of contractors involved in public procurement, in prefinancing files, payments files, in recovery orders etc.

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

The persons in charge of the above-mentioned processing operations in REA are obliged and reminded to collect and process only data necessary and proportionate to the purpose of investigating potential fraud and/or other financial irregularities.

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 REA staff;
- The Anti-fraud correspondents within REA;

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

- 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.

Data may be disclosed to public authorities² which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law and shall not be regarded as recipients:

- 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 in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings;
- The competent Appointing Authority in case of a request or a complaint lodged under Articles 90 of the Staff Regulations;
- The Internal Audit Service (IAS) 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 (ECA) 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;

² These public authorities shall not be regarded as recipients in accordance with Union and Member State law.

- The European Ombudsman (EO) 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 (EDPS) 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.

The processing of those data by those public authorities shall comply with the applicable data protection rules according to the purpose of the processing.

6. HOW LONG DO WE KEEP YOUR PERSONAL DATA?

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 – 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:

- 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;
- 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).

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

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.

Any request to exercise their right 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 other 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, you may also contact:

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.