

Director General

**DIGITAL ARMENIA**

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Via email only

Brussels

**Subject: Your confirmatory application for public access to documents - Ares(2022)3561091**

Dear Digital Armenia,

We refer to your letter dated 10 May 2022, registered in OLAF under reference number Ares(2022)3561091, by which you introduced a confirmatory application for public access to documents under Regulation (EC) No 1049/2001<sup>1</sup>. In the title of your request, you refer to an OLAF's case "OC/2018/0656".

By email of 2 April 2022, registered under reference number OCM(2022)10335, you requested public access to documents regarding the "funding project of an OLAF staff member, published on the website siepomaga.pl with the link address <https://www.siepomaga.pl/tomeks-bday>".

By letter of 29 April 2022, registered under reference Ares(2022)3329392, OLAF indicated that no documents were found that would correspond to the description given in your application.

You then introduced this confirmatory application, in which you ask OLAF to reconsider its decision regarding your request for access to documents. You consider that "OLAF is in a position to confirm if this is a crowd-funding organized by Mrs Bogdziewicz Van Elderen". According to you "she is an Olaf Investigator present [in] the case OC/2018/0656". You also alleged that OLAF gave no explanations to your inquiry.

We regret to inform you that OLAF was not able to identify any documents that would correspond to the description given in your application.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution. Given that no such documents, corresponding to the description given in your application, are held by us, we are not in a position to fulfil your request.

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<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43–48.

Moreover, in relation to your request for a confirmation as to whether the link to the crowd-funding project concerns the activity of an OLAF staff member, please be aware that OLAF is not in a position to provide information about activities other than OLAF official activities and in particular in relation to activities that may fall within any of OLAF staff member's private sphere..

I draw your attention to the possible means of redress available against this decision. You may either bring proceedings before the Court of Justice of the European Union or file a complaint with the European Ombudsman under the conditions specified respectively in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Your attention is drawn to the privacy statement below.

Yours sincerely,

Ville ITÄLÄ

#### **Privacy notice**

Pursuant to Articles 15 and 16 of Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by Union Institutions, bodies, offices and agencies and of the free movement of such data, please be informed that your personal data are stored in OLAF's electronic and paper files concerning this matter for the purposes of ensuring conformity with the requirements of Regulation 1049/2001 and Commission Decision 2001/937/EC.

The categories of your personal data being processed are identification and contact data and any other personal data provided by or to you in relation to your request. Officials within OLAF and other Commission services responsible for dealing with requests for access to documents, and third parties, within the meaning of Articles 4(4) and 3(b) of Regulation 1049/2001, and Article 5 of Commission Decision 2001/937/EC, have access to your personal data. Personal data that appear on the requested document may only be disclosed to the applicant following an assessment under Article 9(b) of Regulation (EU) 2018/1725. There is no automated decision process by OLAF concerning any data subject.

All documentation concerning OLAF investigations are stored in the relevant OLAF investigation files and are retained for a maximum of 15 years. Thus personal data contained in requests for public access to documents concerning OLAF investigations are retained for a maximum of 15 years.

You have the right to request access to your personal data, rectification or erasure of the data, or restriction of their processing. Any request to exercise one of those rights should be directed to the Controller ([OLAF-FMB-DATA-PROTECTION@ec.europa.eu](mailto:OLAF-FMB-DATA-PROTECTION@ec.europa.eu)). You may contact the Data Protection Officer of OLAF ([OLAF-FMB-DPO@ec.europa.eu](mailto:OLAF-FMB-DPO@ec.europa.eu)) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

You have the right to have recourse to the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by OLAF.

The complete privacy statements for this and all other OLAF personal data processing operations are available at [http://ec.europa.eu/anti\\_fraud](http://ec.europa.eu/anti_fraud).