

## Notification to the DPO

### COMPULSORY INFORMATION

1) Date of submission

**05/01/2010**

2) Function and address of the controller

**Head of Unit**

**Administrative expenditure of the institutions of the European Union**

**12 rue Alcide de Gasperi, L-1615 Luxembourg**

3) Unit/Service which is the Controller

**Administrative expenditure of the institutions of the European Union**

4) Unit/Service of the Processor

**Administrative expenditure of the institutions of the European Union**

5) Name of Processing + description

**Audit on performance of OLAF investigations.**

6) Legal basis of processing

**Art. 287 of the Treaty of Functioning of the EU**

**Art. 140 to 142 of the Financial Regulation (Council Regulation (EC, Euratom) No. 1605/2002**

7) Lawfulness of processing. Please retain only the justification(s) which apply for this declaration.

a) processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof or in the legitimate exercise of official authority vested in the Community institution or body or in a third party to whom the data are disclosed

b) processing is necessary for compliance with a legal obligation to which the controller is subject

c) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract

d) the data subject has unambiguously given his or her consent

e) processing is necessary in order to protect the vital interests of the data subject

**a)**

8) Purpose(s) of Processing

**The data is processed to measure the efficiency of the OLAF investigations and resources put available to the organisation.**

9) Data Subjects

**All staff employed by OLAF but also all persons investigated, evaluated, witnesses and concerned persons for which OLAF has data available.**

10) Data fields(s) of Data Subjects;

Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10 (racial or ethnic origin; political opinions; religious or philosophical beliefs; trade-union membership; health or sex life)

**Surname, first name, personal number, nationality, marital status, grade, function and any other information data collected by OLAF.**

If Article 10 applies please specify here:

**N/A**

11) Recipient(s) of the Processing to whom the data might be disclosed

**The staff concerned in OLAF and the Commission**

**ECA Data Protection Officer (DPO), the European Data Protection Supervisor (EDPS) and Ombudsman in case of complaints**

12) Retention policy of (categories of) personal data

<b>The data is stored for 5 years as of the date of discharge of the Budgetary Authority (i.e. for around 7 years).</b>
13) How are Data Subjects informed about the treatment of their personal data, as specified in Articles 11 - 12 of the Regulation?
<b>No communications are foreseen to inform the Data Subjects. The information is gathered from OLAF and it's up to OLAF to inform the data subjects.</b>
14) Specify which procedures have been implemented to guarantee the data subjects rights (access; correct; lock; erase; opposition) as specified in Articles 13 - 19 of the Regulation.
<b>Data subjects can only request access to their data. Rectification, blocking, erase is not possible as the data obtained is part of an audit file and thus audit evidence. Notification made to the Data Protection Officer</b>
15) Which time limit has been set after which the Data Subjects can't lock/erase data on justified legitimate request.
<b>N/A</b>
16) Historical, statistical or scientific purposes - If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification
<b>N/A</b>
17) Legal foundation of transfer: only transfers to third party countries (outside EU) not subject to Directive 95/46/EC (Article 9) should be considered for this question. Please treat transfers to other community institutions and bodies and to member states under question: Recipient(s) of the Processing
<b>No transfer of information to third party countries</b>
18) Which Category(ies) of Personal Data or Personal Data will be transferred to third party countries (outside EU)?
<b>N/A</b>
19) How will the personal data be stored: paper/digital and if applicable in which information system?
<b>Papers version if paper copies obtained from the institutions. In digital format if the evidence is documented in the audit documentation system (ASSYST). The same applies when digital files are obtained OLAF.</b>
20) Describe the procedures of how the personal data will be treated and if it is a manual/automatic treatment
<b>The treatment consist of collection and analysis data for auditing purposes. This is done manually and, where applicable, by computer assisted audit techniques. Data on investigated cases contained in the OLAF cases system were only consulted within the OLAF offices, were never copied and collected by the audit team.</b>
21) The processing presents specific needs which justifies prior checking for data falling under article 27 a) processing of data relating to health and to suspected offences, criminal convictions or security measures b) processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct c) processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes d) processing operations for the purpose of excluding individuals from a right, benefit or contract
YES      NO      If YES then which option(s) A B C D
<b>NO</b>
22) General description of the control measures taken to fulfil Article 22 "Security of processing" and especially preventing any unauthorised disclosure or access, accidental or unlawful destruction or accidental loss, or alteration, and to prevent all other unlawful forms of processing.
Place and date: <b>Luxembourg 05/01/2010</b>
Data Controller: <b>Bertrand ALBUGUES</b>

Place and date: **Luxembourg 19/01/2010**

Data Protection Officer: **Jan KILB**