



## **DATA PROTECTION AUDITS AND AUDITS OF LARGE SCALE IT SYSTEMS**

### **DATA PROTECTION NOTICE**

It is the general duty of the EDPS to monitor, ensure and enforce the application of the Regulation with regard to the Union institutions and bodies. Audits are launched to collect relevant information for the purpose of verifying compliance with the Regulation in selected Union institutions and bodies. Personal data will be used for documenting the EDPS findings made during the inspection and draw appropriate conclusions in relation to the activities of the inspected institution in processing personal data.

We process your personal data based on Regulation (EU) 2018/1275 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions and bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC”.

The following information is provided as established in Articles 15 and 16 of Regulation (EU) 2018/1725 (“the Regulation”).

#### **Who is the controller?**

The controller is the European Data Protection Supervisor (EDPS).

For more information on the EDPS please consult our website: <https://edps.europa.eu>

#### **What personal data do we process and who can access it?**

*The personal data involved are:* name, function and, in some cases, institutional contact details of staff members and/or manager of the institution, their statements and personal data contained in the accessed and obtained documents. The categories of data contained in documents may vary depending on the nature of an inspection.

*Who can access the personal data?* For the EDPS, the inspection team and hierarchy involved in the audit process. The Minutes are shared with the persons interviewed prior to the adoption of the Report. The Report is sent to the top management (President / (Executive) Director (General) of the Union institution or body audited. The DPO is in copy.

The EDPS will not transfer any personal data to third parties, save the case when the Court of Justice of the European Union or the European Ombudsman would require such transfer in the framework of their duties, or -for **large IT systems**- the legal basis for such audits foresees sharing of Reports with third parties. Under Article 44(2) of the **Europol** Regulation, “The EDPS and the national supervisory authorities shall, each acting within the scope of their respective competences, exchange relevant information and assist each other in carrying out audits and inspections.”

### **Why do we process your personal data and under what legal basis?**

One of the tasks the EDPS carries out in the public interest is to monitor, ensure and enforce the application of the Regulation with regard to the Union institutions and bodies (see Arts. 32, 52(3), 57(1)(a), 58(1)(b); in the case of complaints, Article 57(1)(e) of the Regulation constitutes an additional legal basis. Article 43(4)(a) of the **Europol** Regulation stipulates that the EDPS has the power to “obtain from Europol access to all personal data and to all information necessary for his or her enquiries”. Article 43(4)(b) of the Europol Regulation stipulates the EDPS power to “obtain access to any premises in which Europol carries on its activities when there are reasonable grounds for presuming that an activity covered by this Regulation is being carried out there”. For **large-scale IT systems**, Art. 31 Regulation 603/2013 (Eurodac), Art. 37(4) Regulation 515/1997 as amended (CIS), Art. 43(3) Regulation 767/2008 (VIS), Art. 45(2) of Regulation 1987/2006 (SIS II) and Art. 21(2) of Regulation 1024/2012 (IMI) constitute additional legal bases.

Article 32 of the Regulation provides that: "Union institutions and bodies shall cooperate, on request, with the European Data Protection Supervisor in the performance of its tasks". Any refusal to respond to the questions of the EDPS will be specifically recorded in the Minutes.

**How long do we keep your personal data?** Personal data will be stored for five years computed as from the closing of the case file, unless legal proceedings require keeping them for a longer period.

### **What are your rights regarding your personal data?**

You have the right of access to your personal data and to relevant information concerning how we use it. You have the right to rectify your personal data. Under certain conditions, you have the right to ask that we delete your personal data or restrict its use. You have the right to object to our processing of your personal data, on grounds relating to your particular situation, at any time. We will consider your request, take a decision and communicate it to you.

You can send your request to the EDPS by post in a sealed envelope or use our contact form on the EDPS website (see section on contact details [below](#) ).

### **You have the right to lodge a complaint**

If you have any remarks or complaints regarding the way we process your personal data, we invite you to contact the EDPS DPO (see section on contact details [below](#)).

You have, in any case, the right to have recourse to the EDPS as a supervisory authority: [https://edps.europa.eu/data-protection/our-role-supervisor/complaints\\_en](https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en).

### **Contact details for enquiries regarding your personal data**

We encourage you to contact us using the EDPS contact form, selecting ‘My personal data’ as the relevant subject: <https://edps.europa.eu/node/759>

To contact the EDPS DPO personally and confidentially, we suggest that you send an e-mail to [EDPS-DPO@edps.europa.eu](mailto:EDPS-DPO@edps.europa.eu) or a letter to the EDPS postal address marked for the attention of the EDPS DPO.

EDPS postal address: European Data Protection Supervisor, Rue Wiertz 60, B-1047 Brussels, Belgium

You can find complete contact information on the EDPS website: [https://edps.europa.eu/about-edps/contact\\_en](https://edps.europa.eu/about-edps/contact_en).