

REGISTER NUMBER: 75

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 03/01/2006

Case number: 2005/418

Institution: OLAF (European Commission)

Legal basis: article 27-5 of the regulation CE 45/2001⁽¹⁾

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and adress of the controller

Franz-Hermann Bruener, Director General, OLAF, European Commission, B-1049, Brussels Belgium

2/ Organisational parts of the institution or body entrusted with the processing of personal data

Units C.2 (Information Services) and C.3 (Operational Intelligence: Information and Technical Support)

3/ Name of the processing

OLAF internal investigations

4/ Purpose or purposes of the processing

Internal administrative investigations are conducted to determine whether fraud, corruption or any other illegal activity affecting the financial interests of the European Community have occurred, or whether serious matters relating to the discharge of professional duties such as to constitute a dereliction of the obligations of officials and other servants of the Communities liable to result in disciplinary or criminal proceedings have occurred, and if so, to refer the results of OLAF's investigation to the appropriate national or Community authorities for judicial, disciplinary, administrative, legislative or financial follow-up.

5/ Description of the category or categories of data subjects

Personnel of the EU institutions, bodies, offices and agencies who are the subject of the investigation or otherwise involved in the matters under investigation, either as whistleblower or witness; persons outside of the EU institutions, bodies, offices or agencies who may be involved in the matters under investigation, either as informants or witnesses.

<p>6/ Description of the data or categories of data(<i>including, if applicable, special categories of data (article 10) and/or origin of data</i>)</p> <p>Name, address, telephone number, e-mail address, date of birth, nationality, employer, marital status, children, professional position, statements made regarding events under investigation by the person or about the person, evidence mentioning the person, notes regarding relation of the person to the events under investigation.</p>
<p>7/ Information to be given to data subjects</p> <p>See section 3.3 of the attached memorandum, which explains in detail the information to be given to data subjects.</p>
<p>8/ Procedures to grant rights of data subjects(<i>rights of access, to rectify, to block, to erase, to object</i>)</p> <p>See section 3.3 of the attached memorandum, which explains in detail the procedures to grant rights of data subjects.</p>
<p>9/ Automated / Manual processing operation</p> <p>See section 2.2 of the attached memorandum, which explains in detail automated/manual processing operations associated with internal investigations.</p>
<p>10/ Storage media of data</p> <p>CMS electronic data is stored in an Oracle database protected by a specific OLAF firewall. Paper data is stored in the OLAF Greffe, and in working files of the investigators. See attached memorandum, which explains in further detail the storage media.</p>
<p>11/ Legal basis and lawfulness of the processing operation</p> <p>Article 4 of Regulation 1073/2001 and Article 2 of Commission Decision 1999/352. See section 3.1 of the attached memorandum, which explains in further detail the legal basis and lawfulness of the processing operation.</p>
<p>12/ The recipients or categories of recipient to whom the data might be disclosed</p> <p>As explained in section 3.2 of the attached memorandum, transfers of this data may be made:</p> <ul style="list-style-type: none"> • To concerned Community institutions, bodies, offices or agencies, in order to allow them to take appropriate measures to protect the financial interests of the Community, in accordance with paragraphs 9(4) and 10(3) of Regulation 1073/99 (and as spelled out in section 3.5.3 of the OLAF Manual); • To competent Member State judicial authorities, in order to allow them to take appropriate judicial follow-up measures, in accordance with paragraph 10(2) of Regulation 1073/99 (and as spelled out in section 3.5.5 of the OLAF Manual); • To competent third country authorities and international organisations, as explained in detail in OLAF's memorandum to you, D/04668of 13.6.2005 (and as spelled out in section 3.5.6 of the OLAF Manual).
<p>13/ retention policy of (categories of) personal data</p> <p>As stated in section 2.3 of the attached memorandum, OLAF may keep both electronic and paper files relating to internal investigations for up to 20 years after the date on which the investigation was closed.</p>
<p>13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) (<i>Please, specify the time limits for every category, if applicable</i>)</p> <p>The time limits for blocking and erasure of the different categories of data is one month.</p>

14/ 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,

In order to allow for the comparison of precedents, and the compilation of statistics, final case reports in internal investigations may be kept in anonymised form for 50 years.

15/ Proposed transfers of data to third countries or international organisations

Transfers may be made to competent third country authorities and international organisations, as explained in detail in OLAF's memorandum to you, D/04668 of 13.6.2005 (and as spelled out in section 3.5.6 of the OLAF Manual).

16/ The processing operation presents specific risk which justifies prior checking (please describe):

OLAF internal investigations are focused on establishing whether an irregularity has occurred which may call for disciplinary action or criminal prosecution. Thus, subparagraphs (a) and (d) are relevant. Moreover, in its conducting intelligence research, linkages may be established which could be covered by subparagraph (c).

AS FORESEEN IN:

Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

Other (general concept in Article 27.1)

17/ Comments

PLACE AND DATE: Brussels, 12.12.2005

DATA PROTECTION OFFICER: Louis Smeets

INSTITUTION OR BODY: OLAF