

*(To be filled out in the EDPS' office)*  
**REGISTER NUMBER: 1183**

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**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 05/11/2013**

**CASE NUMBER: 2013-1230**

**INSTITUTION: EC**

**LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001<sup>(1)</sup>**

**INFORMATION TO BE GIVEN<sup>2</sup>**

1/ NAME AND ADDRESS OF THE CONTROLLER

CONTROLLER : CHOMEL JEAN-LOUIS

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2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

THE EUROPEAN COMMISSION

DG DEVCO - DIRECTORATE R.2

3/ NAME AND DESCRIPTION OF THE PROCESSING

NAME: DEVCO IT-tool (DEVIT)

DEVIT is a joint IT venture between DEVCO and OLAF. The DEVIT database is a spin-off of OLAF's own Case Management System (CMS. Ref. OLAF Notifications DPO-73 and DPO-176) and hosted on an external server maintained by OLAF.

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<sup>1</sup> OJ L 8, 12.01.2001.

DEVIT allows DEVCO to record non-classified information relating to DEVCO's OLAF cases in an environment respecting the IT and security requirements applicable to the retention and treatment of such data. The application is protected by the requisite firewalls. ECAS is used to identify both OLAF and DEVCO users. OLAF grants access and manages the profiles of all DEVIT users.

4/ PURPOSE OR PURPOSES OF THE PROCESSING, AND PROCESSORS

Management of DEVCO's OLAF cases by recording all relevant developments during the case life cycle.

Tool for drafting monthly and yearly reports on DEVCO's OLAF cases for the Commissioner and DEVCO Directorates.

PROCESSORS:

N.A.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Entities (e.g. contractors, beneficiaries) and natural persons (names in abbreviated form only) which and who are the subject of OLAF investigations concerning DEVCO-funded projects. DEVIT contains data fields for the basic information on a case (OF reference, title, investigator in charge, current status, type of case, date opened) which are provided by OLAF. Further data fields are filled-in by DEVCO and concern the developments happening during the investigation itself and the follow-up phase after the case was closed by OLAF.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

DEVIT contains the following data fields:

- 1) OF Reference
- 2) Title
- 3) Current Stage
- 4) OLAF unit
- 5) Information source
- 6) Investigator in charge
- 7) Date created
- 8) Type of case
- 9) Date opened
- 10) Date closed
- 11) Country
- 12) Project
- 13) Region
- 14) DEVCO service
- 15) Date FCR received

- 16) Date forwarded internally
- 17) Company/Persons involved (names of physical persons in abbreviated form)
- 18) Circumstances
- 19) internal information
- 20) Possible financial implications
- 21) 20 fields on the various types and action in the follow-up phase
- 22) 2 fields specifying the type of offender and the type of offence

#### 7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The privacy statement will be published on DEVCO's intranet as well as on DEVCO's EUROPA webpage. Moreover, the Head of Unit DEVCO/R/2 will address a note directly to all staff of his unit dealing with DEVIT.

The privacy statement will be communicated to the data subjects, under the condition of non-compromising the OLAF investigation (cf. OLAF notifications DPO-73 and DPO-176).

#### 8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

In case the OLAF investigation is closed with a judicial follow-up, the data will be transmitted by OLAF to the competent judicial authorities. In case the OLAF investigations is closed without a judicial follow-up, the privacy statement would be transmitted to the person concerned in the cases where the information stored in DEVIT permits to identify the data subject. See also attachment under point 11 below.

#### 9/ AUTOMATED / MANUAL PROCESSING OPERATION

Unit DEVCO/R/2 keeps a paper file for each OLAF case concerning DEVCO. These files are kept in locked cupboards and during any absence of the case handler, the door to his office is always locked.

OLAF files for which the investigation and follow-up phase are completely closed are sent to the Central Archives.

#### 10/ STORAGE MEDIA OF DATA

All information contained in DEVIT is stored on a server by OLAF (see notifications for OLAF's CMS and IT infrastructure (DPO-73, DPO-97).

#### 11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

The legal basis is:

- Article 4 of Regulation 1073/1999
- Article 2 of Commission Decision 352/1999
- Articles 20 and 27 of Regulation 45/2001 (Article 20 governing the restrictions and exemptions will be invoked if an OLAF investigation needs to be protected)
- the relevant articles in the Financial Regulation on fraud prevention and the role of OLAF

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

Within Unit DEVCO/R/2 five people have access to DEVIT. Data from DEVIT is exclusively used to draft regular reports on OLAF case developments for the Commissioner and DEVCO hierarchy.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

DEVCO may keep both electronic and paper files relating to its OLAF cases for up to 15 years after the closure of an investigation with recommendation in order to cover the whole period that might be necessary for implementing the necessary follow-up actions. This period is 10 years if no recommendation was made.

13 A/ TIME LIMIT TO BLOCK / ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

The time limit for blocking and erasure of the different categories of data is one month.

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.*

Statistical data may be kept for up to 50 years. The data kept is anonymised.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

N.A.

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING

Article 27.2.(a) Processing of data relating to health and to suspected offenses, offenses, criminal convictions or security measures

17/ COMMENTS

N.A.

PLACE AND DATE: BRUXELLES, 05.11.2013

DATA PROTECTION OFFICER: RENAUDIERE PHILIPPE

INSTITUTION OR BODY: THE EUROPEAN COMMISSION