

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1269

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 29/09/2014

CASE NUMBER: 2014-0908

INSTITUTION: EUROPEAN INVESTMENT FUND

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

European Investment Fund
15, Avenue J. F. Kennedy
L - 2960 Luxembourg

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

Compliance and Operational Risk Division (EIF COR).

3/ NAME OF THE PROCESSING

Transactional Integrity Due Diligence

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The European Investment Bank Group (EIB Group), consisting of the European Investment Bank (EIB) and the European Investment Fund (EIF) places great emphasis on integrity and good governance (cf. EIB notification to EDPS - prior checking 2012-0326). On the basis of the EIB Group framework expressed in the "Compliance Procedure on Counterparty Acceptance and Monitoring, Covering Integrity, Money Laundering and Financing of Terrorism Risks" (CAM Procedure, cf. EIB notification referred above), EIF proceeds to a detailed due diligence on the integrity of EIF counterparts. This varies in its intensity according to the type of the transaction and the regulatory situation of the financial intermediary (cf. Compliance Operational Procedures, cf. annex no. 1).

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

(i) Persons with key positions and responsibility in governing bodies, (ii) key persons and shareholders as described in and to the extent of the processes referred to in the EIF notification on transactional due diligence.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA

(including, if applicable, special categories of data (Article 10) and/or origin of data)

Identification data; data related to offences, public criminal records, investigation and prosecution; business relationships. Publicly available data, which may indicate or not a risk for the reputation of EIF when entering into business with the persons concerned, in particular due to, e.g., a reported closeness to organised crime or a reported politically influential position ("Oligarch"). The key parameter for the integrity controls is any potential risk to EIF's reputation. This implies an assessment of publicly available sources (Dow Jones Risk and Compliance - Factiva filtering tool, cf. screenshot annex no. 2, and Google search), public sanctions lists (OFAC, EU) as well as, in specific situations where, in particular, EIF COR identifies a potential risk of corruption, fraud or organised crime, recourse to external consultants. The integrity due diligence process complements the general transactional due diligence process (cf. EIF notification on transactional due diligence).

Specific treatment of personal data applies for Politically Exposed Persons (PEP) according to Commission Directive 2005/60. PEPs are assessed as to their links as political players to market players and undergo a regular monitoring, which mainly views at confirming the actualisation or not of their status as PEP. EIF COR maintains a register of identified PEPs.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The data collection performed by EIF is in line with the market practice. The EIF website will contain a communication of the type of data potentially collected and the rights of data subjects in accordance with Regulation 45/2001 (cf. EIF notification on transactional due diligence). Data subjects concerned are also made aware in the context of the general due diligence process and, where needed, express consent is collected as regards any collection of sensitive data in the meaning of Article 10 of the Regulation 45/2001.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(Rights of access, to rectify, to block, to erase, to object)

As set out above, the data subjects are made aware of their rights to access, rectify, block or erase or to object to the collection and storage of their personal data. Rights conferred by Reg 45/2001 can furthermore be exercised by sending requests to EIF COR. Requests will be processed in accordance with the principles and rules laid down in Reg. 45/2001.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The data processing operation is performed manually with the support of the electronic data bases DLM and e-Front. Data are collected by the operational services and by the compliance officers through electronic means from Internet websites and specialised databases tools available on the market (generally used by the banking industry, cf. above). Relevant findings are presented in a

compliance opinion which is included in the transaction proposals sent to the Fund's governing bodies in view of the final financing decision.

10/ STORAGE MEDIA OF DATA

DLM is an EIF data base and underlies the data protection rules and administration applicable to all EIF data bases. e-Front is an electronic data base developed by eFront, a Paris-based company specialising in IT solutions for the finance industry, in particular private equity and alternative assets. eFront is subject to French laws on data protection and supervised to that extent by the CNIL (Commission Nationale Informatiques et Libertés).

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

EIF Statutes express the basic mission of EIF and decisions of its General Meeting and its Board of Directors (cf. EIF notification on transactional due diligence). Furthermore, EIF acts as advisor to a variety of incorporated and non-incorporated third party mandates, to which the EIF due diligence process applies. The due diligence process is described in the procedures that apply to EIF transactions (cf. EIF notification on transactional due diligence). The notification is to be seen in conjunction with the notification on the transactional due diligence process, of which it forms an integral part (cf. EIF notification on transactional due diligence).

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

Personal data collected, is, in principle, not disclosed to third parties with the exception of EIB-Inspectorate General - Investigations (IG-IN) on the basis of a service level agreement pursuant to which IG-IN proceeds to internal and external investigations for EIF (cf. annex no. 3). For investigation purposes and under the terms and conditions of EIF investigations (cf. service level agreement) data may be transferred to OLAF.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Personal data will be retained for a period not exceeding five years following the termination of the business relationship (cf. Commission Directive 2005/60). As the usual life of the fund structures in which EIF invests is, in line with market practice, ten plus 2 years, this means a total retention of personal data not exceeding 17 years.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS (Please, specify the time limits for every category, if applicable)

Data subjects may request blocking and erasure of data anytime. Data controller will execute within 30 working days following receipt of the request.

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)

Not applicable

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

Not applicable

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING *(Please describe)*

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

Not applicable.

PLACE AND DATE: LUXEMBOURG, 14 JULY 2014

DATA PROTECTION OFFICER: J. NEUSS

INSTITUTION OR BODY: EUROPEAN INVESTMENT FUND