



## DATA PROTECTION NOTICE INVESTIGATION

It is the general duty of the EDPS to monitor, ensure and enforce the application of the [Regulation \(EU\) 2018/1725](#) ('the Regulation') with regard to the processing of personal data by Union institutions, bodies, offices and agencies (EUIs), as well as the [Regulation \(EU\) 2016/794](#) ('the Europol Regulation'), the [Regulation \(EU\) 2017/1939](#) ('the EPPO Regulation'), and the [Regulation \(EU\) 2018/1727](#) ('Eurojust Regulation').

Investigations are launched to examine an alleged infringement of the applicable legislative framework by an EU institution, body or agency (EUI). Personal data will be used for documenting and assessing evidence relating to an EUI's processing of personal data.

In an EDPS investigation, your personal data will be processed based on the Regulation. We provide you with the information required by Articles 15 and 16 of 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>

Responsible units: Supervision and Enforcement Unit / Technology and Privacy Unit, email: [EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu).

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

The personal data involved are:

- name, function and, in some cases, institutional contact details of staff members and/or manager of the institution
- statements and any personal data, including sensitive data, contained in the accessed and obtained documents and files that are submitted / consulted / accessed / collected as part of the investigation
- voice recording in case of the audio-recording of an evidence gathering meeting, on-site inspection or a hearing

The categories of data contained in documents may vary depending on the nature of an investigation.

### **Who can access the personal data?**

For the EDPS, the case officers in charge of an investigation and the EDPS hierarchy involved in the investigation.

The data controller/processor (e.g. Head, Director, Head of Unit and other staff members of an EUI involved in the matter), the DPO of that EUI, representatives or legal counsel of the processor.

The EDPS will not transmit or transfer any personal data to third parties, except where the Court of Justice of the European Union or the European Ombudsman, OLAF and national courts require such a transmission or transfer to carry out their tasks.

In the framework of cooperation between the EDPS and other data protection supervisory authorities, in particular under Article 61 of the Regulation, transmissions or transfers to these authorities may take place to the extent necessary for the performance of respective duties, in particular by providing each other with relevant information, asking each other to exercise their powers and responding to each other's requests.

This is without prejudice to Regulation (EC) 1049/2001 regarding public access to documents.

### **Where did we get your personal data?**

EDPS received your personal data in the course of the investigation through documents, emails received from an EUI or during an evidence-gathering meeting, an evidence gathering meeting or an inspection.

### **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 (see Arts. 32, 52(3), 57(1)(f), 58; in the case of complaints, Article 57(1)(e) of the Regulation constitutes an additional legal basis).

The EDPS conducts the investigations under Art. 57(1)(f) of the Regulation and the enquiries under Art. 43(2)(b) of the Europol Regulation, Art. 85(2)(b) of the EPPO Regulation and Art. 40(2)(b) of the Eurojust Regulation.

Article 32 of the Regulation, Article 43(4)(a) of the Europol Regulation, Article 40(6) of the Eurojust Regulation or Article 70 of the EPPO Regulation provide that Union institutions and bodies shall cooperate, on request, with the EDPS in the performance of its tasks.

### **How long do we keep your personal data?**

Personal data will be stored for five years from the date the case file is closed, unless legal proceedings require us to keep them for a longer period.

The voice recording will be deleted as soon as the minutes or transcript of an evidence gathering meeting or an on-site inspection are approved by the parties.

### **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 via our [contact form](#) on the EDPS website or by post in a sealed envelope.

### **Automated decision-making**

This personal data processing does not involve automated decision making as provided for in Article 24 (1) and (4) of the Regulation.

### **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](#).

You have, in any case, the right to have recourse to the EDPS as 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/form/edpsweb-contact-form\\_en\\_en](https://edps.europa.eu/form/edpsweb-contact-form_en_en).

To contact the EDPS DPO personally and confidentially, we suggest that you send an e-mail to [DPO@edps.europa.eu](mailto: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](#).