EUROPEAN HEALTH and DIGITAL
EXECUTIVE AGENCY (HaDEA)

RECORD OF PERSONAL DATA PROCESSING ACTIVITY

Record No: - date/nr, completed by DPO **Initial approval by Data Controller**: n/a

Update (s) *(if applicable):* n/a

NAME OF THE PROCESSING ACTIVITY

Exchange of information with the European prosecutor (EPPO)

IDENTIFICATION OF THE DATA CONTROLLER

The Head of Unit in C2 (Financial Support and Control) of the European Health and Digital Executive Agency (HaDEA), Place Charles Rogier 16, B-1049 Brussels, BELGIUM and can be contacted via HADEA-ANTI-FRAUD@ec.europa.eu

GROUND FOR THIS RECORD (*select relevant ground*)

□ Record of a new type of processing activity of personal data (before its implementation)
X Record of a processing activity of personal data that is already in place
□ **Change/Amendment/ Update of an already existing previous record**

1. INFORMATION ON THE PROCESSING ACTIVITY
of exchange of information with the European prosecutor (EPPO)

This processing activity is performed in accordance with **Regulation (EU) No 2018/1725**[1] on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

1.1. The Data Controller is:

The controller is the European Health and Digital Executive Agency (HaDEA). For organisational reasons, the role of data controller is exercised by the Head of Unit of C2 'Financial support and control'. The controller may be contacted via functional mailbox: HaDEA-anti-fraud@ec.europa.eu

1.2 The contact details of the Data Portection Officer (DPO)

HADEA-DPO@ec.europa.eu

1.3 Joint controller: Not applicable.

HaDEA and EPPO are separate controllers.

1.4 The following entity(ies) is/are acting as Processor(s): Not Applicable

1.5 Description and purpose(s) of this processing :

To exchange information under the conditions laid down in the Working Arrangement[2] and its annexes between the EPPO and the Executive Agencies.

This includes the reporting by HaDEA to the EPPO of any suspicions of criminal conduct in respect of which the EPPO could exercise its competence and/or supporting the EPPO by contributing on a need-to know basis to the investigations carried out by the EPPO by providing relevant information.

The processing operation in the context of suspicons of criminal conduct is necessary to prevent and detect fraud and criminal activities committed/incurred at the level of the applicants and /or beneficiaries of EU funds to ensure the protection of the financial interest of the Union.

1.6 The legal basis for the processing based on Article 5(1) of Regulation (EU) 2018/1725 is/are:

☒ **(a)** the processing is necessary for the **performance of a task carried out in the public interest** or in the exercise of official authority vested in the Union Institution or body[3] laid down in Union law;

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[1] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, 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 (OJ L 295/39 of 21.11.2018).

[2] Working Arrangement establishing the modalities of cooperation between the European Climate, Infrastructure and Environment Executive Agency (CINEA), the European Education and Culture Executive Agency (EACEA), the European Innovation Council and SMEs Executive Agency (EISMEA), the European Research Council Executive Agency (ERCEA), the European Health and Digital Executive Agency (HaDEA) and the European Research Executive Agency (REA), and the European Public Prosecutor's Office (EPPO), Ares(2023)4802878.

[3] Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council European Health and Digital Executive Agency (HaDEA), B-1049 Brussels, BELGIUM

☐ **(a2**) the processing is necessary for the **management and functioning** of the Union Institutions, bodies or agencies (Recital (22) of Regulation (EU) 2018/1725) laid down in Union law;

☒ **(b)** the processing is necessary for **compliance with a legal obligation** to which the controller is subject, which are listed below (laid down in Union law):

- Articles 317 and 325 of the Treaty of the Functioning of the European Union (Official Journal of the European Union, C 326, 26 October 2012);
- Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union ("Financial Regulation");
- COMMISSION IMPLEMENTING DECISION (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture Executive Agency and repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU;
- Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO');
- Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes;
- Working Arrangement establishing the modalities of cooperation between the European Climate, Infrastructure and Environment Executive Agency (CINEA), the European Education and Culture Executive Agency (EACEA), the European Innovation Council and SMEs Executive Agency (EISMEA), the European Research Council Executive Agency (ERCEA), the European Health and Digital Executive Agency (HaDEA) and the European Research Executive Agency (REA), and the European Public Prosecutor's Office (EPPO) (Ares(2023)4802878);
- Commission Decision C(2021)948 of 12 February 2021 delegating powers to the European Health and Digital Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of EU4Health, Single Market, Research and Innovation, Digital Europe, Connecting Europe Facility – Digital, comprising, in particular, implementation of appropriations entered in the general budget of the Union;
- Commission Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union (hereafter the Financial Regulation);
- Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'), OJ L 283, 31.10.2017, p. 1–71.

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and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture Executive Agency and repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU.

☐ **(c)** the processing is necessary for the **performance of a contract** to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

☐ **(d)** the data subject has given **consent** to the processing of his or her personal data for one or more specific purposes;

☐ **(e)** the processing is necessary in order to protect the **vital interests** of the data subject or of another natural person.

1.7 The categories of data subjects

☒ Agency staff (Contractual and temporary staff in active position)

☐ Visitors to the Agency

☒ Applicants

☒ Relatives of the data subject

☒ Complainants, correspondents and enquirers

☒ Witnesses

☒ Beneficiaries

☒ External experts

☒ Contractors

☒ Other, please specify: whistle-blowers, informants, HaDEA interns and interim staff, national investigators, prosecutors, judges, etc.

1.8 Categories of personal data

a) Categories of personal data:

- Identification data: surname, forename, birthday, birthplace, address, telephone number, e-mail address, the personal identification numbers (where applicable), physical characteristics of persons (as well as the image, voice or fingerprints), data subject's private sphere.
- Professional data: profession , organization, function.
- Data related to financial aspects: banking details such the account number and the name of the bank account’s holder, timesheets in order to provide evidence of payments made to beneficiaries (who are suspected of fraudulent or illegal activity) or of decision to suspend or terminate the participation of such beneficiaries or contractors or the grants or the contracts; payslips, allowances
- Data related to education: university, degree, etc.
- the recruitment and contracts
- the data subject's family
- the data subject's career
- the leave and absences
- the missions and journeys
- thel security and pensions
- the expenses and medical benefits

Other: please specify:

- Data relating to financial aspects (pre-financing, recovery orders, timesheets in:

    - order to provide evidence of payments made to beneficiaries or contractors (who
    - are suspected of fraudulent or other illegal activity) or of decision to suspend or
    - terminate such beneficiaries or contractors;
- Data contained in reports (interim, final) in case of natural persons (staff
    - members/ representatives/ members of scientific team) in organisations
    - (beneficiaries of grant agreements, etc.) or in case of HaDEA staff (probation and evaluation reports...)
- Data related to reporting to the EPPO: description of the potential case, activities and information related to matters which could be the subject of investigation;

b) Categories of personal data processing likely to present <u>specific risks:</u>

- Data relating to suspected offences, offences, criminal convictions or security measures.

- Data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct).

c***) Categories of personal data whose processing is <u>prohibited</u>, with exceptions (art. 10):***

According to the Art. 17 of Working Arrangements EPPO-Executives Agencies (Ares(2023)4802878), *the provision of personal data revealing racial or ethnic origin, political opinions, religious or philosophical belief, trade union membership, genetic or biometric data for the purpose of uniquely identifying a person or concerning health, sexual life or sexual orientation shall be prohibited, unless they are strictly necessary and proportionate for a purpose set forth in Article 1[4] of the Working Arrangement.*

d) Specify any additional data or explanatory information on the data being processed, if any:

Not relevant

1.9 Retention period (maximum time limit for keeping the personal data)

HaDEA applies the principles and retention periods indicated in Common Retention List of the Commission (Third revision of the Common Commission-level retention list for European Commission files | European Commission (europa.eu) by analogy.

Personal data shall be stored for no longer than is necessary for the achievement of the purposes for which the data were collected or further processed. According to the Common Retention List (CLR) - SEC(2022)400, the personal data collected (electronic and paper format).

For the files on relations with EPPO during its investigation: data will be kept for a maximum period of 5 years after closure of the file (CLR – under point 2.4.9)[5].

For the files on the cooperation with EPPO in disciplinary procedures of the Agency with EPPO in its investigations regarding natural persons within the Agency (CLR-under point 12.4.4): 15 years after the closure of the file that have given rise to investigations and 5 years after the closure of the files that have not given rise to investigations.

[4] Article 1 of Working Arrangement between HaDEA and EPPO: *in accordance with Article 99(1) of Regulation (EU) 2017/1939, the purpose of this Working Arrangement is to establish and maintain a cooperative relationship between the Parties in accordance with their respective objectives, for the purpose of protecting the financial interests of the Union, and to set out the modalities for this cooperation*

[5] SEC(2022)400 – ARES(2022)8801492, 19.12.2022

Is any further processing for historical, statistical or scientific purposes envisaged?
☒ yes ☐ no

The personal data may be further processed for historical purposes. Nonetheless, for cooperation in investigations and disciplinary procedures, all files are eliminated if they have not given rise to investigations at the end of the retention period. For the cases that gave rise to investigations, the sensitive personal data are eliminated in line with the applicable retention period.

1.10 The recipient(s) of the data

The recipients to whom the personal data will or might be disclosed are:

Inside the Agency:

- The HaDEA's Director and the Heads of Department
- The OLAF/EPPO correspondent(s) – HaDEA .C.2002
- Authorised members of the Agency staff when relevant:
    - HoUs and DHoUs of the units
    - Anti-fraud correspondents of the units
    - Staff in units for horizontal services: finance unit (C1), legal team (C.2.003)

Outside the Agency:

- EPPO case handlers/responsible staff in the EPPO
- Parent DGs and Members of the Steering Committee of the Agency
- EPPO correspondents within the European Commission and/or other Executive Agencies
- External auditors
- OLAF: Director-General, OLAF investigators and their respective HoUs
- The EDES Panel referred to in Article 145 of the Financial Regulation
- In case of audits or proceedings, etc., HaDEA's Internal Controller, Data Protection Officer, Legal Affairs Sector, etc.

In addition, in case of control or dispute, personal data can be shared with and processed by the bodies charged with a monitoring or inspection task in application of Union law in compliance with the applicable data protection rules and within the scope of their tasks entrusted by the relevant legislation. This includes, in particular, the following recipients:

- Bodies in charge of a monitoring or an inspection task in application of Union law (e.g. internal audit, IAS, Court of Auditors, etc.);
- The European Court of Justice or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure;
- OLAF in case of an investigation conducted in application of Regulation (EC) No 1073/1999;
- The European Ombudsman within the scope of the tasks entrusted to it by Article 228 of the Treaty on the Functioning of the European Union;
- The European Data Protection Supervisor in accordance with Article 58 of Regulation (EC) 2018/1725;

- The European Public Prosecutor's Office within the scope of Article 4 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office.

This transmission is restricted to the information necessary for the legitimate performance of tasks within the competence of the recipient. The recipients of the data are reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.

1.11 Transfers of personal data to third countries or international organisations

Personal data **will not be transferred to third countries** or **international organisations.**

However, as referred in Art. 11 of the working arrangements between the EPPO and the Executive Agencies (Ares(2023)4802978), without prejudice to Article 8 and to the proper conduct and confidentiality of its investigations, the EPPO will assess whether it is appropriate to consult or inform the relevant executive agency before sending any information to authorities of third countries or international organisations in cases regarding suspected or accused staff members of the Agency, in particular when this transmission could raise a serious reputational risk for the Union in accordance with the first paragraph of this Article, or where the EPPO would need information or assessment from the executive agency as regards the wider implications of a case.

1.12 The processing of this personal data **will not include** automated decision-making (such as profiling): Not applicable

1.13 Description of security measures

The following technical and organisational security measures are in place to safeguard the processing of this personal data:

The European Commission's IT systems used by the Agency abide by the Commission's security guidelines. The Agency complies with Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.

i) Organisational measures:

A Corporate Local Informatics Security Officer (C-LISO) is in place. Its role includes supervising the Agency compliance with the relevant regulations, and the application of security measures recommended by DIGIT.

Organisational measures include appropriate access rights and access control. As a rule within the Agency, access to information systems, the file system or offices are subject to a series of authorisations where the person granting the access is different from the person requesting or authorising the access - except in limited cases of delegation. The responsible person in the unit in charge of this action (processing operation of the current record) collects and places personal data in electronic format on the secured drive of the Unit with restricted access on a need to know basis. All Agency staff and its contractors are bound by confidentiality obligations. The need to know principle applies in all cases.

ii) Technical measures

All data in electronic format (e-mails, documents, etc.) are stored on a secured drive with restricted access on a need-to-know basis.

The Agency is bound by Commission Decision 2017/46 of 10/1/2017 on the security of communications & information systems in the European Commission.

An Outlook functional mailbox is created and used for the purpose of handling EPPO cases and is under SECEM 2 encryption: access to this mailbox is restricted on a need-to-know basis to the staff members designated to handle these cases.

Documents related to EPPO cases are shared via SECEM e-mail or via EPPO-box.

Reporting to EPPO follows the format of the EPPO crime report, via the available secured tools.
Paper files related to EPPO cases are processed under strict confidentiality via a sealed envelope transmitted hand to hand between the relevant staff authorised to process this information. Paper files are then kept in a locked cupboard accessible only to a limited number of authorised staff in line with the retention rules.

1.14 Data protection Notice

Data Subjects are informed on the processing of their personal data via a **data protection notice on their rights :**

- to access their personal data held by a controller;
- to request their personal data held by a controller to be corrected;
- to obtain in some situations erasure of their personal data held by a controller, e.g. when data are held unlawfully (right to be forgotten);
- to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;
- **of recourse** at any time to the **HaDEA Data Protection Officer** at HADEA-DPO@ec.europa.eu and to the **European Data Protection Supervisor** at https://edps.europa.eu.

Request from a data subject to exercise a right will be dealt within **one month**.

Your right to information, access, rectification, erasure, restriction or objection to processing, communication of a personal data breach or confidentiality of electronic communications may be restricted only under certain specific conditions as set out in the **applicable Restriction Decision** in accordance with Article 25 of Regulation (EU) 2018/1725.

Electronically signed on 17/03/2025 14:25 (UTC+01) in accordance with Article 11 of Commission Decision (EU) 2021/2121