Ref. Ares(2025)2192062 - 18/03/2025

Data Protection Notice for Anti-Fraud procedure for analysis and signalling suspicions of irregularities and/or fraud to OLAF

The European Health and Digital Executive Agency (HaDEA) processes your personal data[1] in line with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018[2] on the protection of personal data by the European Union's institutions, bodies and agencies and on the free movement of such data.

What is the purpose(s) of this processing activity?

The purpose of this processing operation is to:

- The processing operation is necessary to prevent and detect fraud, as well as other financial irregularities or conflict of interest committed/incurred at the level of the applicants under call for proposals/tenderers under call for tenders and /or beneficiaries under grants /contractors under public procurement, and ensure sound financial management of the EU funds which are managed by the Agency. In particular, it is necessary to analyse information which may contain personal data relating to potential fraud or other financial irregularities and decide on whether it should be transferred to the European Anti-Fraud Office ("OLAF") or not. Alternatively, ex-post financial audits or technical audits may be launched and/or other precautionary measures taken.
- Answer to requests received from other EU Institutions and bodies (e.g. Commission DGs, EPPO, OLAF) or national authorities (police, antifraud office, financial or judicial authorities etc) for their investigations and controls.

Who is 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

Which personal data is collected?

The categories of personal data that may be collected and/or processed depending on the context of the case and on a case-by-case analysis are the following:

- Identification data: Last name, first name, address, e-mail, phone number (s), etc.;
- Data relating to the data subject's professional details: position within the entity, function, unit, etc.;
- Data related to education: university, degree, etc;

[1] **Personal data** shall mean any information relating to an identified or identifiable natural person ('data subject'). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

[2] 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 L295/39 of 21.11.2018).

- Data relating to the conduct of the person, giving rise to possible irregularities: description of the serious wrongdoing/irregularity, source of information, causes of the presumed irregularity, impact on EU interests, amount involved, actions to mitigate the irregularity (taken/planned), etc.;
- Data relating to financial aspects: banking details such the account number and the name of the bank account's holder;
- Data related to offences and criminal convictions (Art. 11 of the Regulation).

The categories of data listed above shall be collected and/or processed on a case-by-case basis. Their presence is neither systematic nor necessary and it depends on the content of a particular case.

These data might be found in timesheets, curriculum vitae, reports (interim, final) of staff members / representatives / members of scientific team of beneficiaries involved in grant agreements or contractors involved in public procurement, in prefinancing, payments, in recovery orders etc.

The persons in charge of the above-mentioned processing operations in HaDEA are obliged to process the relevant data only to the extent necessary and proportionate in relation to the files of potential fraud and/or other financial irregularities.

Who has access to the personal data of data subjects and to whom can they be disclosed?

Within the Agency, the following recipients will have access to the data:

- The Director of the Agency
- Authorised members of HaDEA 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)
- The OLAF/EPPO correspondents within HaDEA

Outside the Agency, the following recipients will have access to the data:

- Members of the HaDEA Steering Committee;
- Anti-fraud correspondents within the European Commission and/or other Executive Agencies for the purpose of coordination and exchange of information;
- European Antifraud Office (OLAF);
- Authorised staff from the parent Directorates-General (i.e. OLAF correspondents and their respective HoUs of the parent Directorates-General)
- The members of EDES Panel referred to in Article 145 of the Financial Regulation, Panel's secretariat and other authorised staff from DG BUDG;
- Authorised staff from Legal Service of the European Commission.

In addition, data may be disclosed to public authorities, which are not regarded as recipient in accordance with Union and Member State law. The processing of those data by those public authorities shall comply with the applicable data protection rules according to the purpose of the processing:

- 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;
- Investigation and Disciplinary Office (IDOC) in line with Commission Decision of 12 June 2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings - C(2019)4231 and Commission Decision (EU) 2019/165 of 1 February 2019 Internal rules concerning the provision of information to data subjects and the restriction of certain of their data protections rights in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings;
- The competent Appointing Authority in case of a request or a complaint lodged under Articles 90 of the Staff Regulations;
- The Internal Audit Service of the Commission within the scope of the tasks entrusted by article 118 of the Financial Regulation and by article 49 of the Regulation (EC) No 1653/2004;
- The Court of Auditors within the tasks entrusted to it by Article 287 of the Treaty on the Functioning of the European Union of the EC Treaty and Article 20, paragraph 5 of Regulation (EC) No 58/2003;
- 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 the 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.

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

Documents related to suspicious projects and/application can be requested by and transferred to National authorities (judicial, fiscal, police) when EU funds are subjects to potential fraud under investigations. The third countries where the data can be transferred can be anywhere, depending on the country of establishment of the recipient of EU funds where the fraud investigation takes place.

Safeguards: Such transfer is decided and made by OLAF in accordance with the legal framework. In case the third country of destination is not covered by an adequacy decision or in absence of adequate safeguards in place (e.g. administrative arrangement), the transfer might take place based on a derogation under Article 50(1) of Regulation 2018/1725, in particular if necessary for important reason of public interest (article 50(1)d), or for the establishment, exercise or defence of legal claim (article 50(1)e).

The processing of your data will **not include automated decision-making.**

Which is the legal basis for processing your personal data?

The legal basis for the processing activities are Article 5 (1)(a) of Regulation (EU) 2018/1725 because 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) and/or the processing is necessary for compliance with a legal obligation to which the controller is subject (Article 5(1)(b) of Regulation, which are laid down in Union law[3]

How long do we keep your 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) by analogy.

The data collected and/or processed in the frame of the above-mentioned processing is kept under the relevant project (under call for proposals) or contract (under public procurement) file and is subject to the overall retention policy for that grant management/contract file.

[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 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

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 ("the Financial Regulation"), OJ L, 2024/2509, 26.9.2024;

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

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

Regulation (EU, EURATOM) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999;

Council Regulation (Euratom, EC) No 2185/1996 of 11 November 1996 concerning on-the-spots checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities;

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.

Commission Decision of 10.7.2020 - C(2020) 4584 amending Decision C(2018) 5119 on the internal procedure provisions for the recovery of amounts receivable arising from direct management and the recovery of fines, lump sums and penalty payments under the Treaties;

Administrative arrangements on co-operation and a timely exchange of information between the European Commission and the European Anti-Fraud Office (OLAF), 4.12.2018 and General Memorandum of Understanding between the Agency and its parent DGs;

Interinstitutional Agreement between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-Fraud Office (OLAF), OJ L 136/15, 31.5.1999;

HaDEA's Steering Committee decision of SC07(2022)44 laying down internal rules to prevent fraud, corruption and any illegal activity detrimental to the Communities' interest.

Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union, , Articles 11 to 26a on staff duties.

With regards files on the activities by OLAF to protect the financial interests of the EU and to fight fraud, corruption and any other illegal activity, including within the European institutions, bodies and agencies - but excluding its activities with regards to Commission personnel - according to the Common Commission-level Retention List of Annex 1 "CLR management schedule of the Common Commission-level retention list for European Commission files – third revision", approved by the Secretary General of the European Commission (SEC(2022)400, Ref. Ares(2022)8801492 – 19/12/2022), the retention periods are as follows:

- Files concerning dismissed cases: 15 years after the end of the project or contract (under public procurement);
- Files concerning investigative cases with recommendations and the related follow-up actions: 15 years from the receipt of the OLAF decision to finalise the investigation with recommendations (under OLAF retention period);
- Files concerning investigative cases without recommendations and with no monitored follow-up actions: 15 years after the end of the project or contract (under public procurement);
- Files on HaDEA cooperation with OLAF in its investigations: 5 years after the end of the project or contract (under public procurement).

In case the retention period expires when an inspection task (e.g. audit) or a judicial proceeding related to the file is ongoing, the personal data is retained for the time necessary to the finalisation of such inspection tasks or settlement of the judicial proceeding. Data will be deleted at the end of the above-mentioned period.

What are your rights regarding your personal data?

You have the right to access your personal data and to request your personal data to be rectified, if the data is inaccurate or incomplete; where applicable, you have the right to request restriction or to object to processing, to request a copy or erasure of your personal data held by the data controller. If processing is based on your consent, you have the right to withdraw your consent at any time, without affecting the lawfulness of the processing based on your consent before its withdrawal.

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 accordance with Article 25 of Regulation (EU) 2018/1725.

Your request to exercise one of the above rights will be dealt with without undue delay and **within one month.**

If you have **any queries** concerning the processing of your personal data or wish to exercise any of the rights described above, you can contact the Head of Unit C.2 “Financial support and control” (entity acting as data controller) via HADEA-ANTI-FRAUD@ec.europa.eu and HaDEA Data Protection Officer (DPO) HADEA-DPO@ec.europa.eu

You shall have right of recourse at any time to the European Data Protection Supervisor at EDPS@edps.europa.eu

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