



## **Data Protection Notice for exchange of information with the European prosecutor (EPPO)**

The European Health and Digital Executive Agency (HaDEA) processes your personal data<sup>1</sup> in line with [Regulation \(EU\) 2018/1725 of the European Parliament and of the Council of 23 October 2018](#)<sup>2</sup> 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?**

To exchange information under the conditions laid down in the Working Arrangement 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 suspicions 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.

### **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](mailto:HADEA-ANTI-FRAUD@ec.europa.eu)

### **Which personal data is collected?**

- 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

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<sup>1</sup> **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.

<sup>2</sup> 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).

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
- the 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.

**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 protection 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**<sup>3</sup>.

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

### **Which is the legal basis for processing your personal data?**

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<sup>3</sup> 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.

**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<sup>4</sup>.

### **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 | 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)<sup>5</sup>.

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.

### **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

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<sup>4</sup> [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 (“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.

<sup>5</sup> SEC(2022)400 – ARES(2022)8801492, 19.12.2022

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](#) in 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](mailto:HADEA-ANTI-FRAUD@ec.europa.eu) and HaDEA Data Protection Officer (DPO) [HADEADPO@ec.europa.eu](mailto:HADEADPO@ec.europa.eu).

You shall have right of recourse at any time to the European Data Protection Supervisor at [EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu).

