



European Research Council
Executive Agency

Established by the European Commission

RECORD OF PERSONAL DATA PROCESSING

Art. 31 of the 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 (henceforth the "Data protection regulation")

Record n°

DPO – 61 - 2025

In accordance with Article 31 of the data protection regulation, individuals whose personal data are processed by the Executive Agency in any context whatsoever are to be protected with regard to the processing of personal data and the Executive Agency has to keep records of their processing operations.

This record covers two aspects:

- 1. Mandatory records under Art 31 of the data protection regulation*
- 2. Compliance check and risk screening (initial; part 2 is internal only to the Agency, not published)*

The ground for the record is (tick the relevant one):

- ☒ *Regularization of a data processing operation already carried out*
- ☐ *Record of a new data processing operation prior to its implementation*
- ☐ *Change of a data processing operation.*

(This part may be public)

Processing of personal data in the context of criminal investigations conducted by the European Public Prosecutor's Office (EPPO)

1	Last update of this record if applicable	N/A
2	Short description of the processing	For the implementation of the Working Arrangement establishing the modalities of cooperation between the EPPO and the Executive Agencies and its annexes, the ERCEA needs to process personal data in order to provide EPPO with the necessary information to exercise their competence.

(This part may be public)
Part 1 - Article 31 Record

3	Function and contact details of the controller	Head of Legal Affairs, Internal Control and Public Procurement Unit (ERCEA.D.3) ERC-ANTI-FRAUD@ec.europa.eu
4	Contact details of the Data Protection Officer (DPO)	ERC-DATA-PROTECTION@ec.europa.eu
5	Name and contact details of joint controller (where applicable)	N/A
6	Name and contact details of processor (where applicable)	N/A
7	Purpose of the processing	<p>In order to be able to exchange the necessary information with the EPPO under the conditions laid down in the signed Working Arrangement¹, the ERCEA has to process personal data of the individuals involved in the specific cases. This includes the reporting by the Agency to the EPPO (either directly or via OLAF) of any suspicions of criminal conduct in respect of which the EPPO could exercise its competence, informing EPPO of cases where it is not possible for the Agency to make an assessment about the need for EPPO to exercise its competence and/or supporting EPPO by providing relevant information concerning investigations carried out by the EPPO. The present record also concerns the cooperation with EPPO in the implementation of Data Protection Obligations, as laid down in the Working Arrangement.</p> <p>The overall purpose of the data processing is the protection of the financial interests of the European Union.</p>
8	Description of the categories of data subjects	<p>Whose personal data are being processed?</p> <p><input checked="" type="checkbox"/> EA staff (Contractual and temporary staff in active position)</p> <p><input type="checkbox"/> Visitors to the EA</p> <p><input checked="" type="checkbox"/> Applicants</p> <p><input type="checkbox"/> Relatives of the data subject</p> <p><input checked="" type="checkbox"/> Complainants, correspondents and enquirers</p> <p><input type="checkbox"/> Witnesses</p> <p><input checked="" type="checkbox"/> Beneficiaries</p> <p><input checked="" type="checkbox"/> External experts</p> <p><input checked="" type="checkbox"/> Contractors</p> <p><input checked="" type="checkbox"/> Other, please specify:</p> <p>Other persons whose name may appear in the case file.</p>

¹https://www.eppo.europa.eu/sites/default/files/2023-10/12.06.2023_Working-Arrangement-EPPO-EAs-annexes-website.pdf

9	<p>Description of personal data categories</p> <p>Indicate all the categories of personal data processed and specify which personal data are being processed for each category (between brackets under/next to each category):</p>	<p><i>Categories of personal data:</i></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> in the form of personal identification numbers: e.g. identity card/passport number, ERCEA personnel number (SYSPER number). <input type="checkbox"/> concerning the physical characteristics of persons as well as the image, voice or fingerprints <input checked="" type="checkbox"/> concerning the data subject's private sphere: e.g. date and place of birth, gender, nationality, marital (civil) status. <input checked="" type="checkbox"/> concerning pay, allowances and bank accounts: e.g. salary, name and first name, date of birth, country of birth, bank account reference (IBAN and BIC codes), payslip, determination of rights (PMO forms) and supporting documents justifying the allowances, function group, grade, step and seniority, contract duration (if the case is related to a potential fraud perpetrated by a staff member) <input checked="" type="checkbox"/> concerning recruitment and contracts: e.g. first name, family name, function, country of residence, diplomas, employment certificates, contract, offer letter and acceptance (if the case is related to a potential fraud perpetrated by a staff member) <input checked="" type="checkbox"/> concerning the data subject's family: e.g. personal details of the spouse/ children (if relevant and if the case is related to potential fraud perpetrated by a staff member) <input checked="" type="checkbox"/> concerning the data subject's career: e.g. CVs, expertise, educational background, professional experience including details on current and past employments, diplomas, handover report (if the case is related to a potential fraud perpetrated by a staff member) <input checked="" type="checkbox"/> concerning leave and absences: e.g. absence requests, CCP (Congé de Convenance Personnelle), maternity/parental/family leave (if the case is related to a potential fraud perpetrated by a staff member) <input checked="" type="checkbox"/> concerning missions and journeys: e.g. mission status/history, period of mission, destination and purpose (if the case is related to a potential fraud perpetrated by a staff member) <input checked="" type="checkbox"/> concerning social security and pensions (if the case is related to a potential fraud perpetrated by a staff member) <input checked="" type="checkbox"/> concerning expenses and medical benefits (if the case is related to a potential fraud perpetrated by a staff member) <input checked="" type="checkbox"/> concerning telephone numbers and communications: e.g. private and professional phone numbers, fax number <input checked="" type="checkbox"/> concerning names and addresses (including email addresses): e.g. first name, family name,
---	--	---

		<p>private/professional email address, postal address</p> <p><input type="checkbox"/> Other: please specify.</p> <p><i>Categories of personal data processing likely to present specific risks:</i></p> <p><input checked="" type="checkbox"/> data relating to suspected offences, offences, criminal convictions or security measures</p> <p><input checked="" type="checkbox"/> data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct)</p> <p><i>Categories of personal data whose processing is prohibited, with exceptions (art. 10 new Regulation):</i></p> <p><input type="checkbox"/> revealing racial or ethnic origin</p> <p><input type="checkbox"/> revealing political opinions</p> <p><input type="checkbox"/> revealing religious or philosophical beliefs</p> <p><input type="checkbox"/> revealing trade-union membership</p> <p><input type="checkbox"/> concerning health</p> <p><input checked="" type="checkbox"/> genetic data, biometric data for the purpose of uniquely identifying a natural person: Handwritten signatures (e.g. on time-sheets)</p> <p><input type="checkbox"/> concerning sex life or sexual orientation</p>
10	Retention time (time limit for keeping the personal data)	<p>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.</p> <p>According to the Common Retention List the personal data collected (electronic and paper format) in relations with EPPO will be kept for a maximum period of 5 years after closure of the file (CLR Annex – under point 2.4.9). For the files related to the cooperation between the Agency and EPPO concerning investigations and disciplinary procedures (CLR Annex-under point 12.4.4) the personal data collected will be kept for a maximum of 15 years after the closure of the files that have given rise to investigations and for a maximum of 5 years after the closure of the files that have not given rise to investigations.</p> <p>Is any further processing for archiving purposes in the public interest, historical, statistical or scientific purposes envisaged? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no</p> <p>In accordance with the common Commission Retention List and after the 'administrative retention period', files concerning relations with the EPPO may be transferred to the Historical Archives of the European Commission for historical purposes.</p>

11	Recipients of the data	<p><i>Who will have access to the data within the Agency or outside?</i> <i>Who will have access to the data outside the Agency?</i></p> <p>Within the Agency, the following recipients will have access to the data:</p> <ul style="list-style-type: none"> - The Director of the Agency; - Authorised members of the Agency staff on a need-to-know basis (e.g. of the Clearing Committee and Integrity Standing Committee); - The EPPO correspondent within the Agency. <p>Outside the Agency, the following recipients will have access to the data:</p> <ul style="list-style-type: none"> - EPPO case handlers/responsible staff. <p>Other potential recipients may be:</p> <ul style="list-style-type: none"> - Members of the Steering Committee of the Agency; - OLAF for administrative investigations and assessment of cases; - EPPO correspondents within the European Commission and/or other Executive Agencies; - The Common Audit Service of DG RTD in its capacity as chair/coordinator of the Fraud and Irregularities in Research (FAIR) Committee; - The EDES Panel referred to in Article 145 of the Financial Regulation; - In case of audits or proceedings, etc., the Agency's external auditors and/or Internal Controller, Data Protection Officer, Legal Affairs Sector, etc. may also get access to this data. <p>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:</p> <ul style="list-style-type: none"> - 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 and Article 20, paragraph 5 of Regulation (EC) No 58/2003;
----	-------------------------------	--

		<ul style="list-style-type: none"> - 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; <p>This transmission is restricted to the information that is 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.</p>
12	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	N/A
13	General description of the technical and organisational security measures	<p>Physical security</p> <p>All personal data in electronic format (e-mails, documents, etc.) are stored on a secured drive with restricted access (need-to-know principle) on the servers of the European Commission's Data Centre. Access to these rooms is controlled and reserved to the members of the European Commission Directorate General for Digital Services (DIGIT).</p> <p>IT security</p> <p>All processing operations are carried out pursuant to the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission. In order to protect all personal data, a number of technical and organisational measures have been put in place. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.</p> <p>Exchange and communication with EPPO, incl. transfer of personal data, takes place via encrypted email (SECEM).</p>
14	Information to data subjects/Data Protection Notice (DPN)	<p>A Data Protection Notice has been prepared and is available on the Agency's website (https://erc.europa.eu/support/document-library?f%5B0%5D=document_category%3A2055) and on the intranet page of the Agency dedicated to Internal Control: https://europeaeu.sharepoint.com/sites/ercea/SitePages/Internal-Control.aspx.</p>

		<p>In accordance with Article 2 of the ERCEA's restriction decision², the Agency may restrict the application of rights provided under Articles 14 to 22, 35 and 36, as well as Article 4 of the EU data protection regulation in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 20. Such restrictions are in accordance with Article 5(1)(b) of the Regulation and may be imposed pursuant to Article 25(1)(b), (g) and (h), in the context of investigations from the European Public Prosecutor Office (EPPO) and may apply as long as needed for the relevant EPPO investigations.</p>
--	--	---

² Decision of the Steering Committee of the ERCEA on internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data in the framework of activities carried out by the ERCEA, OJ L 144, 27.4.2021, p. 35–44),