



EUROPEAN COMMISSION

PROTECTION OF YOUR PERSONAL DATA

This privacy statement provides information about the processing and the protection of your personal data.

Processing operation: *Inquiries in the area of security*

Data Controller: *European Commission's Directorate-General for Human Resources and Security / Security Directorate (HR.DS)*

Record reference: *DPR-EC-00676*

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1. Introduction

The European Commission (hereafter 'the Commission') is committed to protect your personal data and to respect your privacy. The Commission collects and further processes personal data pursuant to [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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

The information in relation to processing operation Inquiries in the area of security (Enquêtes en matière de sécurité) undertaken by European Commission's Directorate-General for Human Resources and Security/Security Directorate is presented below.

2. Why and how do we process your personal data?

Purpose of the processing operation: European Commission's Directorate-General for Human Resources and Security/Security Directorate collects and uses your personal information for the following purposes:

1. To investigate within a mandated inquiry any infringement of applicable national law and/or EU internal rules by any person on Commission premises, any accident or any other event that is harmful to the security of persons, assets or information in the Commission. To this end, all elements are collected that are likely to contribute to clarifying the facts of the incident, the harm suffered and where applicable to the possible identification of the perpetrator. This includes collection of any relevant indices and pieces of evidence: oral/written evidence, such as statement of complainants, witnesses, potential perpetrators, physical evidence such as weapons or other harmful objects, digital evidence, such as electronic files within the Commission communication and IT systems, documents, Commission log files or CCTV images. The inquiry will result in a final report to be sent to the Directorate-General of Human Resources and Security as well as the competent authority depending on the case concerned, in particular OLAF, IDOC, and/or national judicial authorities. 2. In the event of the exercise of the Commission's duty of care towards its staff, collect the elements enabling a report to be drawn up for the competent authorities, such as the medical service or the psychological social service.

Furthermore, the Security Directorate of the Commission may be called upon by other Commission services such as IDOC or OLAF to provide technical assistance, gathering information and elements, to enable their inquiries. In such cases, DS is working under these services' direction. Thus, it only processes personal data under the precise and written instructions of OLAF/IDOC.

Processing under this record also includes personal data processed in operations carried out prior to the opening of an investigation, during investigations and during the monitoring of the follow-up to the outcome of investigations, as reflected in in recital 7 of Commission Decision 2019/236 on the potential restriction of rights of data subjects for the purposes of internal security of the Union institutions.

Processing involves both manual processing (Word documents) and consulting an electronic database (the database contains basic references to each file created for the purpose of inquiries.)

Before, during and after a security inquiry, personal data can be checked against the DS Internal Investigations' case file system to gather as much information as possible, that may be relevant to the current inquiry. In case there is hit with data in the digital database, the (paper) file will be checked and consulted. The paper files that are archived within the "Internal Inquiries" team will contain various documents and evidence such as, but not limited to, the inquiry report, statements collected, material elements, findings, including a possible photographic file, established report.

Your personal data will not be used for an automated decision-making including profiling.

3. On what legal ground(s) do we process your personal data

The processing operations on personal data is carried out under Article 5.1(a) of Regulation (EU) 2018/1725, lawfulness of processing, that is:

processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities – namely, physical protection of Commission staff, information and assets, as well as visitors.

The basis for the processing referred to in points (a) of Article 5(1)(a) of Regulation (EU) 2018/1725 has been laid down in the Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission.

Article 24 of the Staff Regulations of officials and the Conditions of Employment of other servants of the European Union.

4. Which personal data do we collect and further process?

In order to carry out this processing operation European Commission's Directorate-General for Human Resources and Security/Security Directorate collects the following categories of personal data:

- surnames, first names, possibly the place and the date of birth, the address, the telephone details of the persons concerned, i.e. witnesses, or suspects.
- personal behavior relating to the facts under investigation, the place and time of its occurrence,
- conclusions drawn on a person's behaviour in relation to the incident, i.e. the conclusion that no evidence supports a suspect's involvement or a confirmation that a suspect has committed an offence.

Special Categories of data may be processed in the course of an inquiry if related to the incidence that is investigated, such as

- health data of a victim or the suspect of an offence/crime, e.g. if the latter suffers from mental illness,
- ethnical origin, religious or political beliefs of the victim if they were the reason for the offence committed against them or
- religious or political beliefs of the potential suspect if they were linked to his/her motive of committing the offence.

- criminal convictions, convictions for offences or related national decisions on security measures towards an individual.

Any processing of such data is only carried out, where relevant to and strictly necessary for the investigation of the crime committed or the incident.

The provision of personal data is mandatory to meet a statutory requirement of duty of assistance (Article 21 of the Staff Regulations in connection with Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission, recital 8). If you do not provide your personal data, possible consequences are potential disciplinary measures.

We may also obtain your personal data from other Commission Services or publicly accessible sources.

5. How long do we keep your personal data?

European Commission's Directorate-General for Human Resources and Security/Security Directorate only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for:

The time of the pending inquiry and

15 years (starting from closure of the file), as regards all data categories relating to security inquiries;

5 years (starting from closure of the co-operation task), as regards files on co-operation with OLAF and IDOC in their investigations.

6. How do we protect and safeguard your personal data?

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored on the servers of the European Commission. 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 your personal data, the Commission has put in place a number of technical and organisational measures 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.

In the case of inquiries, any paper files are stored in locked cabinets, in an office accessible only to the security officers responsible for handling them. The access to the room containing the cabinets is secured with a badge reader of which the use is logged and with a key that is kept in a safe.

The computer system and servers containing electronic files are protected, accessible only to the security officers responsible for handling the files, as well as to a limited number of computer specialists belonging to the same directorate.

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.

7. Who has access to your personal data and to whom is it disclosed?

Access to your personal data is provided to the Commission staff responsible for carrying out this processing operation and to authorised staff according to the “need to know” principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

The inquiry report, the statements collected and the evidence found may be forwarded for follow-up to the competent body, namely OLAF, IDOC, the psychosocial service of the Medical Service.

In the cases where the European Commission files a complaint or acts as a civil party, the data in the file can be communicated to the national judicial authority and/or the police.

When a person, working inside the European Commission premises for an external contractor is heard, s/he needs to be accompanied by someone representing that external contractor. This representative will be recipient of the content of the hearing.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

IDOC, OLAF and national authorities will receive all information, which are strictly necessary and proportional for the fulfilment of their tasks linked to a given enquiry. In the case of national authorities an approval according to Article 19 of the Staff Regulations is necessary before that. Affected individuals have the right to request access to their own personal information.

8. What are your rights and how can you exercise them?

You have specific rights as a ‘data subject’ under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing, and the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a) on grounds relating to your particular situation.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

Please note that in exceptional cases, according to Commission Decision (EU) 2019/236, these rights may be restricted, if otherwise the purpose of an inquiry would be endangered. In such cases, the restriction will be imposed only for as long as necessary and you will be informed once the restriction is lifted. The Data Protection Officer of the Commission is regularly informed about such restrictions.

9. Contact information

- The Data Controller

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller, European Commission's Directorate-General for Human Resources and Security/Security Directorate , EC-SECURITY-VOLS-DELITS@ec.europa.eu

- The Data Protection Officer (DPO) of the Commission

You may contact the Data Protection Officer (DATA-PROTECTION-OFFICER@ec.europa.eu) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

- The European Data Protection Supervisor (EDPS)

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

10. Where to find more detailed information?

The Commission Data Protection Officer (DPO) publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You may access the register via the following link: <http://ec.europa.eu/dpo-register>.

This specific processing operation has been included in the DPO's public register with the following Record reference: ***DPR-EC-00676***.