

PRIVACY NOTICE - Fraud Notification

The European Institute for Gender Equality (EIGE) informs You about processing of Your personal data in compliance with Regulation 2018/1725 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.

Purpose of processing of personal data

EIGE collects personal data in order to notify OLAF of potential cases of serious irregularities, including fraud and corruption and serious professional wrongdoings, particularly those that could be detrimental to the financial interests of the European Union.

Legal basis

- I. Establishment Regulation of EIGE (EC) No 1922/2006;
- II. Regulation EU 2018/1725, in particular Articles 15 and 16;
- III. Regulation (EU, Euratom) 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF), in particular Article 43;
- IV. 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, in particular articles 74(8) , 91(2) and 131;
- V. Commission Ex-Ante Agreement to the Adoption by Agencies of the Implementing Rules laying down guidelines on Whistleblowing, 27.2.2018 C(2018) 1362 final;
- VI. The Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/681, in particular Articles 22(a) and 22(b);
- VII. EIGE's Anti-fraud Strategy 2021 – 2023 adopted by Management Board Decision No MB/2020/015 of 25 October 2020;
- VIII. EIGE's Internal Control Framework (ICF) adopted by Management Board Decision No MB/2019/018 of 12 June 2012.
- IX. EIGE's guidelines on whistleblowing adopted by the Management Board Decision No MB/2019/011 of 5 April 2019

Lawfulness of processing

Processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaty Functioning the EU (TFEU) and the Establishment Regulation of EIGE (EC) No 1922/2006.

Data categories

- I. Internal fraud:
 - Hard data: Identification data of whistle – blower (surname, first name, date of birth, nationality, administrative address, staff number (if applicable), office telephone number). Name of source. Persons named by the whistle-blower: whatever personal data is left by the whistle-blower.

- Soft data: i.e. allegation and declaration based upon the subjective perceptions.

II. External fraud:

- Hard data: Identification data of employees of contractors or beneficiaries (surname, first name, date of birth, nationality, administrative address, staff number (if applicable), office telephone number).
- Other possible data: salaries, time sheets contained in the supporting documents. Name of source.
- Soft data: facts reported in the notification of the suspicion of possible fraud. The collection of soft data does not follow systematic rules as to the type of data processed; it is not possible to determine a priori the type of data collected. Yet the collection must comply with data protection principles.

These are mandatory data for the purpose(s) outline above.

Data Controller

EIGE is the legal entity responsible for the processing of your personal data and determines the objective of this processing activity. The Director of EIGE ensures the proper implementation of these processing operations.

Access and storage of the data

Recipients of the data are EIGE's Director, Immediate superior, the director general of OLAF and responsible staff of OLAF managing the case.

EIGE has several security controls in place to protect data subject's personal data from unauthorised access, use or disclosure. EIGE keeps the data stored on computer systems with limited access to a specified audience only. EIGE does not intend to share data to Third Countries/International Organisations.

When processing starts

When the information is received through filling out specific template (ref. "TEMPLATE FOR REPORTING AN ALLEGEDLY FRAUDULENT BEHAVIOUR" stored on EIGE Intranet) or any other possible means of reporting, e.g. direct report to OLAF via its notification system, along with possible enclosed documents in physical or electronic form.

Retention policy

Your personal data may be retained by EIGE and OLAF for a maximum of 15 years after the dismissal or, where an investigation or coordination case was opened, after the closure thereof. If the information is deemed not relevant to OLAF, it is deleted immediately.

The data subject has specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725

Right to access data – data subjects have the right to access data at any time by sending an email request to dpo@eige.europa.eu. Furthermore, you can have access to such data, as well as obtain copies of your data undergoing processing, at any time and free of charge, by sending an email request to the mentioned email.

Right to rectify – data subjects have the right to rectify their data without delay of inaccurate or incomplete personal data.

Right to restrict – data subjects have the right to restrict the processing at any moment by sending an email request to dpo@eige.europa.eu; and the right to be informed before personal data are disclosed for the first time to third parties or before they are used on their behalf for the purposes of direct marketing, and to be expressly offered the right to object free of charge to such disclosure or use.

Right to erasure – data subjects have the right to obtain from the controller the erasure of data if their processing is unlawful by sending an e-mail to dpo@eige.europa.eu.

If the data subjects have any queries concerning the processing of their personal data, they may address them to the Data Protection Officer or to the Data Controller of EIGE by contacting information at dpo@eige.europa.eu.

Other rights – Where applicable, you also have the right to object to the processing or 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 legitimate compelling grounds by sending an e-mail to dpo@eige.europa.eu. No automated decision making, including profiling is made.

In accordance with the Director's Decision No 253 of 28 June 2022 determining EIGE's internal rules concerning restrictions of certain rights of data subjects, EIGE may decide not to inform you immediately of the notification of an OLAF case if one of the grounds for restriction listed in Article 25 of Regulation (EU) 2018/1725 applies and the restriction respects the essence of the fundamental rights and freedoms and is necessary and proportionate. EIGE may also restrict your rights of access to your personal data contained in the file, as well as your right to erasure, your right to restriction of processing or your right to be informed of a data breach, if one of the grounds for restriction listed in Article 25 of Regulation (EU) 2018/1725 applies and the restriction respects the essence of the fundamental rights and freedoms and is necessary and proportionate.

Data subjects are also entitled to have recourse at any time to the European Data Protection Supervisor:

Website: <http://www.edps.europa.eu>

Email: edps@edps.europa.eu

Contact information

Data Protection Officer of EIGE, e-mail dpo@eige.europa.eu