

DATA PROTECTION NOTICE

regarding the processing of operational personal data by Eurojust

1. Context and Controller

As Eurojust collects and further processes operational personal data, it is subject to Article 3 and Chapter IX of Regulation (EU) 2018/1725 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 and Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA. On 1 June 2022, the mandate of Eurojust was amended to include the preservation, analysis and storage of evidence related to core international crimes (CIC), i.e. war crimes, crimes against humanity and genocide, and related offences. This extended mandate was introduced through Regulation (EU) 2022/838 of the European Parliament and of the Council of 30 May 2022 amending Regulation (EU) 2018/1727 as regards the preservation, analysis and storage at Eurojust of evidence relating to genocide, crimes against humanity, war crimes and related criminal offences.

Eurojust supports and strengthens coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime which Eurojust is competent to deal with in accordance with Article 3(1) and (3) of the [Eurojust Regulation](#), where that crime affects two or more Member States, or requires prosecution on common bases, on the basis of operations conducted and information supplied by the Member States' authorities, by Europol, by the European Public Prosecutor's Office (EPPO) and by the European Anti-Fraud Office (OLAF). In carrying out its tasks, Eurojust shall take into account any request emanating from a competent authority of a Member State, any information provided by Union authorities, institutions, bodies, offices and agencies competent by virtue of provisions adopted within the framework of the Treaties and any information collected by Eurojust itself; shall facilitate the execution of requests for, and decisions on, judicial cooperation, including requests and decisions based on instruments that give effect to the principle of mutual recognition.

For the purposes of stimulating and strengthening coordination and cooperation between national investigating and prosecuting authorities, it is crucial that Eurojust receive information from national authorities that is necessary for the performance of its tasks.

The core tasks of Eurojust are:

- (a) to inform the competent authorities of the Member States of investigations and prosecutions of which it has been informed which have repercussions at Union level or which might affect Member States other than those directly concerned;
- (b) to assist the competent authorities of the Member States in ensuring the best possible coordination of investigations and prosecutions;
- (c) assist in improving cooperation between the competent authorities of the Member States, in particular on the basis of Europol's analyses;

- (d) cooperate and consult with the European Judicial Network in criminal matters, including by making use of and contributing to the improvement of the documentary database of the European Judicial Network;
- (e) cooperate closely with the EPPO on matters relating to its competence;
- (f) provide operational, technical and financial support to Member States' cross-border operations and investigations, including to joint investigation teams;
- (g) support, and where appropriate participate in, the Union centres of specialised expertise developed by Europol and other Union institutions, bodies, offices and agencies;
- (h) cooperate with Union institutions, bodies, offices and agencies, as well as networks established in the area of freedom, security and justice regulated under Title V of the TFEU;
- (i) support Member States' action in combating forms of serious crime listed in [Annex I of the Eurojust Regulation](#).

The extended mandate of Eurojust (Regulation (EU) 2022/838) introduces the following:

- a. It provides Eurojust with an explicit legal basis to preserve, store and analyse evidence related to core international crimes (CIC) (Article 4(1)(j) of the Eurojust Regulation);
- b. it extends the scope of data categories that can be processed by our Agency to achieve this purpose (Annex II of the Eurojust Regulation);
- c. It introduces, for the data processed by Eurojust as part as this new operational function, a temporary derogation to the obligation to process operational data in the Case management system (Article 80(8) of the Eurojust Regulation).

With regard to the processing of operational personal data, Eurojust as data controller acts through the National Members who, in accordance with Article 24(1) of the Eurojust Regulation, are responsible for the management of the cases opened by them in the exercise of their tasks as defined by the Eurojust Regulation, or initiated by them in case Eurojust acts as a College in accordance with Article 5(2)(a) of the Eurojust Regulation.

2. Under which legal bases and for which purpose do we collect operational personal data, what categories of the operational personal data we process?

Legal basis of the processing

The legal basis for the processing of operational personal data is the Eurojust Regulation and in particular Articles 2 and 4 thereof.

Purpose of the processing

The purpose of the processing of operational personal data by Eurojust is to stimulate and strengthen coordination and cooperation between national investigating and prosecuting authorities of the Member States, and to perform its tasks, within the framework of its competence and in order to carry out its operational functions listed in Article 4 of the Eurojust Regulation.

Operational personal data categories

The Regulation (EU) 2018/1725 defines '*operational personal data*' as all personal data processed by Union bodies, offices or agencies when carrying out activities which fall within the scope of Chapter

4 or Chapter 5 of Title V of Part Three TFEU to meet the objectives and tasks laid down in the legal acts establishing those bodies, offices or agencies (Article 3(1)).

The operational data processed stored will be in accordance with Article 27 and Annex II of Eurojust Regulation and new additions to the Annex II in point 1(n) and point 2(f) of the amended Eurojust Regulation.

1.
 - (a) surname, maiden name, given names and any alias or assumed names;
 - (b) date and place of birth;
 - (c) nationality;
 - (d) sex;
 - (e) place of residence, profession and whereabouts of the person concerned;
 - (f) social security number or other official numbers used in the Member State to identify individuals, driving licences, identification documents and passport data, customs and Tax Identification Numbers;
 - (g) information concerning legal persons if it includes information relating to identified or identifiable individuals who are the subject of a judicial investigation or prosecution;
 - (h) details of accounts held with banks or other financial institutions;
 - (i) description and nature of the alleged offences, the date on which they were committed, the criminal category of the offences and the progress of the investigations;
 - (j) the facts pointing to an international extension of the case;
 - (k) details relating to alleged membership of a criminal organisation;
 - (l) telephone numbers, email addresses, traffic data and location data, as well as any related data necessary to identify the subscriber or user;
 - (m) vehicle registration data;
 - (n) DNA profiles established from the non-coding part of DNA, photographs and fingerprints and, in relation to the crimes and related criminal offences referred to in Article 4(1), point (j), videos and audio recordings.
2.
 - (a) surname, maiden name, given names and any alias or assumed names;
 - (b) date and place of birth;
 - (c) nationality;
 - (d) sex;
 - (e) place of residence, profession and whereabouts of the person concerned;
 - (f) the description and nature of the offences involving the person concerned, the date on which and location at which the offences were committed, the criminal category of the offences, the progress of the investigations and, in relation to the crimes and related criminal offences referred to in Article 4(1), point (j), information relating to criminal conduct, including audio recordings, videos, satellite images and photographs;
 - (g) social security number or other official numbers used by the Member States to identify individuals, driving licences, identification documents and passport data, customs and Tax Identification Numbers;
 - (h) details of accounts held with banks and other financial institutions;

- (i) telephone numbers, email addresses, traffic data and location data, as well as any related data necessary to identify the subscriber or user;
- (j) vehicle registration data.

3. To whom is your personal data disclosed?

Operational data processed by Eurojust will only be accessible on a need to know basis to the Eurojust national desks involved in the handling of the case as well as, in as far as necessary, to the competent national and international judicial and law enforcement authorities involved in the case, and any Eurojust staff involved in operational work which has been authorised by the relevant national desks in accordance with Article 34 of the Eurojust Regulation and [Article 12 of the rules on the processing and protection of personal data at Eurojust](#) (Eurojust DP rules)..

4. How can you verify, modify or delete your information?

In accordance with the Eurojust Regulation (Article 31) and Regulation (EU) 2018/1725 (Articles 79 - 82), you have the right to:

- **be informed** about the processing of operational personal data;
- **access** the operational personal data that relate to you;
- **obtain the rectification of** the inaccurate/incomplete operational data relating to you;
- **obtain the erasure of** the operation personal data where the processing infringes Articles 71, 72(1) or 76 of Regulation (EU) 2018/1725 or where operational personal data must be erased in order to comply with a legal obligation to which Eurojust is subject;
- **instead of erasure, obtain a restriction of** the processing of your personal data where either you want to contest the accuracy of the personal data and their accuracy or inaccuracy cannot be ascertained; or the personal data must be maintained for the purposes of evidence.

If you wish to exercise your data subject rights, any such request should be directed to Eurojust (via email dpo@eurojust.europa.eu) or to the national supervisory authority in the [Member State of your choice](#). That authority shall refer the request to Eurojust without delay, and in any case within one month of its receipt.

The exercise of these rights might be limited in the cases regulated in Article 81 of Regulation 2018/1725 in order to:

- (a) avoid obstructing official or legal inquiries, investigations or procedures;
- (b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;
- (c) protect the public security of Member States;
- (d) protect the national security of Member States;
- (e) protect the rights and freedoms of others, such as victims and witnesses.

5. How long do we keep your personal data?

The operational personal data will be stored by Eurojust for only as long as is necessary for the performance of its tasks and in accordance with the conditions and time limits set by Article 29 of the Eurojust Regulation.

6. Contact information



EUROJUST

The European Union's Judicial Cooperation Unit
P.O. Box 16183 – 2500 BD The Hague • The Netherlands

In case of queries regarding the processing of personal data, Eurojust Data Protection Officer can be contacted via email address: dpo@eurojust.europa.eu.

7. Recourse

You have the right to lodge a complaint to the European Data Protection Supervisor via email: edps@edps.europa.eu or following the link: https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en if you consider that your rights under the Eurojust Regulations and/or Regulation 2018/1725 have been infringed as a result of the processing of your personal data or you can seek a judicial remedy before the Court of Justice.