



OLAF Digital Forensic Operations Information Leaflet

http://ec.europa.eu/anti_fraud/

What is a digital forensic operation?

A digital forensic operation is a technological inspection, acquisition, and examination of digital media and/or their contents, carried out by OLAF Digital Evidence Specialists (DES) using forensic equipment and software tools. The objective is to locate, identify, collect and/or acquire data which may be relevant to an investigation, and may be used as evidence in administrative, disciplinary and judicial procedures. Data which has not been forensically copied by OLAF may also be collected during such an operation.

What is OLAF's legal basis for conducting a digital forensic operation?

Article 4(2) of Regulation (EC) 883/2013 empowers OLAF to take a copy of, and obtain extracts from any document or the contents of any data medium held by the institutions, bodies, offices and agencies, and if necessary, assume custody of such documents or data to ensure that there is no danger of their disappearance. All officials, other servants, members of institutions or bodies, heads of offices or agencies, or staff members have a duty to cooperate fully with OLAF.

Article 7 of Council Regulation (EC, Euratom) 2185/96 empowers OLAF to have access, under the same conditions as national administrative inspectors and in compliance with national legislation, to all information and documentation held by economic operators, including computer data, necessary for the proper conduct of the inspection. Other sector specific provisions may also apply.

What if my digital device contains personal data not relevant to the investigation?

Digital forensic operations will respect the principles of legitimacy, necessity, and proportionality in the context of the investigation. OLAF investigators are empowered to assume custody of the data on the electronic devices or media which they have identified as potentially relevant to

the investigation, even if they contain personal data which are not relevant. However, as explained below, OLAF will access and further process only the data which are relevant to the investigation.

▶ What procedures will be followed during the digital forensic operation?

OLAF's procedures are specified in the Guidelines on Digital Forensic Procedures, which are available on the OLAF Europa site (http://ec.europa.eu/anti_fraud). In brief, they are the following:

- The OLAF investigator will provide you with a copy of the Investigation Authority, which has been signed by OLAF's Director General, and with a copy of this leaflet.
- The OLAF DES will take photographs and make an inventory of the devices/media that will be subject to the digital forensic operation.
- The OLAF DES will create a digital forensic copy (a "forensic image") of the data, which is stored in binary format with a unique hash value, which guarantees the integrity of the copy while respecting the integrity of the digital medium and the data thereon.
- If, for technical reasons, it is not possible to make a digital forensic copy, the DES may instead assume custody of the electronic device/medium or make a partial copy of the data.
- The DES will draw up a Digital Forensic Operation Report documenting all activities relating to the access, acquisition, collection and storage of the data. All persons present at the Digital Forensic Operation, including any national authorities, will be listed and asked to sign the report. The report will be placed in the OLAF case file, and you will receive a copy of the report.

What will OLAF do with the data which has been acquired / collected?

- OLAF will securely store the data.
- Any data relevant to the investigation will be identified by keyword searches and other search methods. Only this data will be placed in the case file.
- Upon completion of the examination, the DES will prepare a report and place it in the case file.
- OLAF will retain the data for a maximum of 15 years after the closure of the investigation.

Privacy Statement

Pursuant to Articles 11 and 12 of Regulation (EC) 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, please be informed that your personal data are stored in OLAF's electronic and paper files concerning this matter for the purposes of carrying out OLAF's investigative activity. The categories of your personal data being processed are identification data, professional data, and case involvement data. Your data may be transferred to other EU institutions, bodies, offices and agencies, competent Member State and third country authorities and international organisations. Your data will be stored for a maximum of 15 years.

You have the right to access those data and to correct and complete them, and/or to object to the processing of those data. Any objection made during the digital forensic operation will be recorded in the report. On request and within three months from the receipt of your request, you may obtain information concerning your personal data which we have processed or a reply to your objection. Any such request should be addressed to the Controller (OLAF-FMB-data-protection@ec.europa.eu). You may lodge a complaint concerning the processing of your personal data with the European Data Protection Supervisor (edps@edps.europa.eu) at any time.

The complete privacy statements for this and all other OLAF personal data processing operations are available at http://ec.europa.eu/anti_fraud.