

# 1. Executive summary

## *Introduction & scope of the audit*

On 27 and 28 April 2023, the EDPS carried out a targeted audit at the premises of the European Public Prosecutor's Office (EPPO) in Luxembourg.

The audit focused on the compliance of EPPO's processing of operational personal data with the EPPO Regulation<sup>1</sup>, in particular with regard to the handling of data subject access requests (Articles 59 and 60 EPPO Regulation) and the functioning of the Case Analysis Tool Environment - EPPO's secure environment for operational analysis.

## *Key findings of the audit*

The audit identified eleven formal findings. With respect to handling of data subject access requests, the EDPS examined EPPO's procedure and determined, that the EPPO interprets Articles 59 and 60 of the EPPO Regulation and Article 5 of the Rules for Processing of Personal Data in a way which might deprive data subjects of the right to be informed that no operational personal data concerning them is being processed by the EPPO.

With regard to the module used by the DPO to conduct the searches in EPPO's systems and databases, the EDPS established that modifications to this module were introduced that affected the repeatability of DPO searches and thus could undermine the EDPS' tasks under Article 62 EPPO Regulation.

Finally, with regard to the Case Analysis Tool Environment (CATE), the EDPS has found that while the EPPO Policy states that the operational data shall be erased once the analysis is completed and the resulting product(s) are introduced into the EPPO Fraud Case (EFC), there is no measure in place to ensure that the information is actually erased on the virtual machine. The traceability and analysis of logs for CATE is possible, but difficult to achieve under the current technical framework.

## *Recommendations and follow-up of the audit*

As a result of the audit activities and his findings, the EDPS has issued five recommendations addressed to EPPO. The main findings and recommendations are included at the end of each section of the report (with a full list of recommendations inserted in Section 5). The recommendations contained in the report are issued in order to ensure compliance with the EPPO Regulation.

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<sup>1</sup>Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'), OJ L 283 31.10.2017, p. 1.

In the case of recommendations no. 1 and 2, implementation is imperative to ensure compliance with the legal framework and the EDPS has issued a deadline for implementation (six months) with the requirement that the EPPO provides documentary evidence to the EDPS of implementation within the specified timeframe. The EDPS will carry out a close follow-up. If need be, enforcement powers may be exercised.

This audit was part of the EDPS Annual Audit Plan for 2023.