

Unit 0.1 – Operations and Investigations Selection  
Head of Unit

Ms Roelie Post  
Rue du Taciturne 51 1000  
Bruxelles

Email: [roelie.post@gmail.com](mailto:roelie.post@gmail.com)

Via e-mail only

Brussels

Subject: Your request for access to the documents and data of a selection case

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Case No: OF/2016/0585/01

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Dear Ms Post,

I refer to your e-mail dated 16 May 2024, registered in OLAF under reference OCM(2024)13970, requesting access to all documents and data related to your previous communication with OLAF, dated 1 August 2016, which is associated with OLAF's selection case OF/2016/0585/01, in which you were a source.

You initially requested the above documents and data by e-mail of 15 April 2024. Then, on 19 April 2024, you asked OLAF to deal with your request "within the time limit of 15 working days".

To this, OLAF replied on 25 April 2024, by acknowledging receipt of your e-mail and informing you that it would handle it as a request for public access to documents under Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>1</sup>. In addition, on 7 May 2024, OLAF replied to your request and explained the reasons why it could not grant public access to the requested documents and data.

By your e-mail of 16 May 2024, you clarified that you did not want public, but private access to documents and data related to your email of 1 August 2016, resubmitting your request. In particular, you explained that you wanted to know "what was done as a reaction to [your] 1 August email".

Therefore, as per your request, OLAF will not consider it as a confirmatory application for public access to documents, within the meaning of Regulation (EC) No 1049/2001, but as request for individual access to the file of the selection case OF/2016/0585/01.

Please be informed that, for the reasons given below, there is no possibility of access to the documents and data of the selection case file OF/2016/0585/01 under the legal

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<sup>1</sup> OJ L 145, 31.5.2001, p. 43.

framework applicable to OLAF investigations, i.e. Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999<sup>2</sup>.

This Regulation does not grant the source of the information a specific right or an authorization for access to documents, which are in OLAF's case file. The lack of access to OLAF's file has been endorsed by the case-law<sup>3</sup>.

Moreover, all the information collected by OLAF is subject to strict rules of confidentiality, professional secrecy and protection of personal data, as stipulated in Article 10 of Regulation (EU, Euratom) No 883/2013. Granting access to documents and data, which are on OLAF's file or issued by OLAF itself in this framework, could also be harmful to the work of the Office.

The requested documents and data are part of the selection case OF/2016/0585/01. They describe in detail OLAF's activities carried out in that case. They contain information gathered using OLAF's investigative powers and the analysis and assessments of that information by OLAF. The selection phase is an intrinsic part of the investigation process, during which OLAF gathers and verifies factual information, leading to a decision of the Director-General to open (or not) an investigation. Therefore, the protection of confidentiality, laid down in Article 10 of Regulation (EU, Euratom) No 883/2013, is also applicable to documents and data, which are part of selection cases, such as the one at hand.

As you already have been notified by e-mail of 29 July 2016, the Director-General of OLAF decided to dismiss the above-mentioned case on the grounds that there was not sufficient suspicion to open an investigation. By email of 9 September 2016, OLAF replied to your letter of 1 August 2016 and confirmed you the above decision, explaining that this decision is not open to review.

We understand that you may be disappointed by OLAF's decision not to grant you access to the selection case file, nevertheless, we hope that you will find these explanations helpful.

We would like to thank you for your cooperation with OLAF.

Your attention is drawn to the privacy statement below.

Yours sincerely,

Privacy Notice

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<sup>2</sup> OJ L 248, 18.9.2013, p. 1.

<sup>3</sup> See, by analogy with documents from the investigation file, the judgment of 19 October 2022, T-81/21, *Sistem ecologica v Commission*, EU:T:2022:641, paragraphs 62-63.

Pursuant to Articles 15 and 16 of Regulation No 2018/1725 on the protection of natural persons with regard to the processing of personal data by Union Institutions, bodies, offices and agencies and of 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 or in relation to the activities carried out in order to fulfil OLAF's tasks referred to in Article 2 of Decision 1999/352/EC, ECSC, Euratom and Regulation (EU, Euratom) No 883/2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF).

The categories of your personal data being processed are contact data, identification data, professional data, and case involvement data. Your data may originate from various sources, including publicly accessible information. Your data may be transferred to other EU institutions, bodies, offices and agencies, competent Member State and third country authorities and international organisations. There is no automated decision process by OLAF concerning any data subject. Your data will be stored for a maximum of 15 years.

You have the right to request access to, rectification or erasure, or restriction of processing of your personal data and to object to their processing on grounds relating to your particular situation. If you wish to request access to your personal data processed in a specific file, please provide the relevant reference or description in your request. Any such request should be addressed to the Controller ([OLAF-FMB-Data-Protection@ec.europa.eu](mailto:OLAF-FMB-Data-Protection@ec.europa.eu)).

The complete privacy statement for this and all other OLAF personal data processing operations are available at <http://anti-fraud.ec.europa.eu>. If you have questions as regards the processing of your personal data or your rights you may contact the OLAF Data Protection Officer ([OLAF-FMB-DPO@ec.europa.eu](mailto:OLAF-FMB-DPO@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](mailto:edps@edps.europa.eu)) at any time.