

DATAACROS II Privacy Policy

INFORMATION NOTICE pursuant to article 14 (5) (b) of GDPR

Data Privacy Statement (Version: July 2022)

In order to research, develop, and validate novel data-driven techniques and solutions designed to support Law Enforcement Agencies (LEAs) and Anticorruption Authorities (ACAs), Competition Authorities (CAs), and Investigative Journalists, the project consortium (hereinafter 'DATAACROS II') needs to process personal and non-personal data from various sources. Aiming to design, develop and test a tool able to detect anomalies in firms' ownership structure which operate within a privacy and data protection environment, the project consortium puts special emphasis on carrying out the project research in compliance with data protection law. Particularly, we provide data subjects concerned by our research with information on our data processing pursuant to the transparency requirements laid down in Articles 12 ff. GDPR. The project consortium processes data that is not obtained from data subjects but rather stemming from data from few identified world-class data providers and public sources.

1. Contact Details

Project Coordinator (Data Controller)

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Personal data received through these channels will be processed as far as necessary to effectively handle your requests. This data will not be shared with others and deleted when it is no longer required to handle your requests. The rights described in section 5 also apply to this personal data.

2. Joint controllers

The DATAACROS II project connects 18 partners from various fields who jointly determine the purposes and means of processing within the project (joint-controllers). These partners can be split up into five groups (2.1 -2.5) with different tasks in the project. The specific tasks and goals are defined in an agreement between the European Union and the partners. You can find a short description of the tasks and the influence on the purposes and means of processing below.

2.1. Research organization

The research organization involved in project DATACROS II is Transcrime – Università Cattolica del Sacro Cuore, covering a broad spectrum of activities in the project. Transcrime researches technological possibilities to meet the requirements of Partners in its field of expertise and researches the legal and ethical implications of the developed tools. All fields (tech, legal, ethics) are put into consideration when determining purposes and means of the processing.

2.2. Law Enforcement Agencies (LEAs)

LEAs provide Transcrime with important information and feedback on requirements for the development and validation of the software which shall be used in the performance of their activities. Personal data may be shared with LEAs during the project. The Partners involved in the project are:

- ANABI: Agentia Nationala de Administrare a Bunurilor Indisponibilizate (RO)
- BFP: Belgian Federal Police (BE)
- CNP: Cuerpo Nacional De La Policia (ES)
- DCPJ: Sous-Direction de la Lutte contre la Criminalité Financière (FR)

2.3. Anticorruption Authorities (ACAs)

ACAs provide Transcrime with important information and feedback on requirements for the development and validation of the software which shall be used in the performance of their activities. Personal data may be shared with LEAs during the project. The Partners involved in the project are:

- ANAC: Autorità Nazionale Anti-corruzione (IT)
- AFA: Agence Française Anticorruption (FR)
- OPLC: Prevention And Fight Against Corruption Office of The Balearic Islands (ES)

2.4. Competition Authorities (CAs)

CAs provide Transcrime with important information and feedback on requirements for the development and validation of the software which shall be used in the performance of their activities. Personal data may be shared with LEAs during the project. The Partners involved in the project are:

- ADLC: Autorité de la Concurrence (FR)
- UOHS: Office for the Protection of Competition (CZ)
- CCRl: Competition Council of The Republic Of Lithuania (LT)

2.5. Investigative Journalists

IJs provide Transcrime with important information and feedback on requirements for the development and validation of the software which shall be used in the performance of their activities

- IRPI: Investigative Reporting Project Italy (IT)

- RISE: RISE Project (RO)

3. Purposes of processing

DATAACROS II develops a tool able to detect anomalies in firms' ownership structure that can flag high risk of collusion, corruption and money laundering within the European Union in order to support public authorities with financial crime investigations. The expected result of DATAACROS II is a set of services, which operate within a privacy and data protection environment that is configurable to local legal requirements.

The DATAACROS tool allows early-detection of high-risk firms through identification of red-flags in firm's characteristics and through frontier machine learning algorithms. In particular the tool:

- Identifies **firms anomalies** and red-flags attributing **risk scores**
- Detects **cartels and clusters of firms** which may signal collusive behaviour
- Traces and reconstructs **cross-border ownership links**
- assesses potential risks to the protection of personal data, enabling the researchers to implement appropriate safeguards to mitigate such risks and technically enforce compliance with data protection law to the extent possible.

4. Limitations to the provision of information and updates to this statement

Pursuant to Article 14 GDPR, where personal data have not been obtained from the data subject, the controller is generally obliged to provide the data subject with information such as the identity and the contact details of the controller and the data protection officer (DPO), and various details on the processing. The DATAACROS II consortium provides this information within this statement.

Nonetheless, pursuant to Article 14 (5) (b) GDPR the extent to which information has to be provided can be limited where the provision proves impossible or would involve a disproportionate effort, in particular for processing for scientific purposes. As DATAACROS does not obtain data from the data subject and carries out scientific research, it falls under the scope of this article. Consequently, the project consortium is not obliged to directly provide data subjects with information on the processing of the data on its own accord. However, DATAACROS takes appropriate measures to protect the data subject's rights and freedoms and legitimate interests, including the publication of information on the processing within this statement. Regarding this publication of information, it is inherent to research in the field of law enforcement that some information is subject to confidentiality. The exposure of detailed information in this data privacy statement is hence partially limited to avoid impairment of the projects pursued purposes.

5. Data subjects' rights and limitations

DATAACROS processes personal data, relevant and limited to what is necessary for the purpose of the project, from the sources stated below. Some sources contain data, which makes the identification of individuals potentially possible. The project consortium is not in a position to detect those matches or bits of information without additional data. Data subjects generally have the right to request access to and rectification or erasure of personal data or restriction of processing concerning the data subject and to object to processing as well as the right to data portability. These rights may be restricted under the conditions described below. However, any requests to the abovementioned points of contact will be carefully assessed on a case-by-case basis and replied to.

Pursuant to Article 11 (1) GDPR the project consortium is not obliged to maintain, acquire or process additional information in order to identify the data subject for the sole purpose of complying with the GDPR. However, pursuant to Article 11 (2) GDPR where data subjects provide additional information in order to exercise their rights under Articles 15–22 GDPR, the DATAACROS II consortium will handle the request compliant with technical and legal requirements. In this regard, the identity of the data subject, as well as the relation to the data referred to in the request has to be sufficiently verified.

The exertion of some of the data subjects' rights (4.1 – 4.4) may be further restricted pursuant to Article 89 (2) in conjunction with the respective national legislation. The following rights are generally available to the data subjects.

5.1. Right to access (Article 15 GDPR)

The data subject has the right to obtain confirmation as to whether or not processing of personal data concerning them takes place in the DATAACROS II project. If this is the case the data subject can request access to his/her data. Granting the right to access only occurs where the identification of the data subject is possible.

5.2. Right to rectification (Article 16 GDPR)

The data subject has the right to obtain the rectification of inaccurate personal data concerning them. The exercise of this right is only possible where the data subject can be identified, and the inaccuracy of data is verified.

5.3. Restriction of processing (Article 18 GDPR)

The data subject has the right to obtain the restriction of processing, where:

- the accuracy of the personal data is contested;
- the processing is unlawful, the data subject opposes the erasure of personal data and requests the restriction of processing instead;
- the controller no longer needs the personal data, but they are required by the data subject for the establishment, exercise or defense of legal claims;

- the data subject has objected to processing pursuant to Article 21(1) GDPR pending the verification whether the legitimate grounds of the controller override those of the data subject. (see 4.4.)

The exertion of this right may require provision of further information to allow identification of the data subject as described in section 4.

5.4. Right to object (Article 21 GDPR)

The legal basis for the processing of personal data in the DATACROS II project is Article 6 (1) (f). The data subject has the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning them unless the DATACROS II consortium demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defense of legal claims.

The exertion of this right may requires provision of further information to allow identification of the data subject as described in section 4.

5.5. Right to erasure ('Right to be forgotten') (Article 17 GDPR)

The data subject has the right to obtain erasure of personal data concerning them, if

- the data subject objects to the processing pursuant to Article 21 (1) and there are no overriding legitimate grounds (see 4.4);
- the personal data have been unlawfully processed;
- the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject.

Pursuant to Article 17 (3) (d) GDPR the right to erasure may be restricted to the extent that the processing is necessary for scientific purposes and would render impossible or seriously impair the achievement of objectives of the processing. The DATACROS II consortium will assess the possibilities to erase personal data under the conditions stated in section 4.

5.6. Right to lodge a complaint with a supervisory authority (Article 77 GDPR)

The data subject has the right to lodge a complaint with a data protection supervisory authority in particular in the Member State of his or her habitual residence, place of work or place of the alleged infringement if the data subject considers that the processing of personal data relating to him or her infringes the GDPR.

A list of national supervisory authorities can be found [here](#).

6. Legal basis of the processing

The processing of personal data by the DATACROS II project is based on Article 6 (1) (f).

Article 6 (1) (f) GDPR allows processing where it is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

The common legitimate interest of all partners in DATACROS II goes along with the project goals and is to effectively participate in the project and development and research of novel data driven techniques to support LEAs, ACAs, CAs in investigations and monitoring activities. DATACROS II is jointly controlled by the partners (see Article 26 GDPR ‘Joint controllers’) and the individual interests beyond the overall goal may differ.

The Research Partner in DATACROS II (i.e. Transcrime – Università Cattolica) has a legitimate interest to study, analyze and understand novel technologies for financial crime investigation. Moreover, the processing of data is a key element for applied research projects that constitute Transcrime’s core business. Therefore, its legitimate interest within the DATACROS II project also extends to be able to run and strengthen these business models in particular by developing their technical capabilities through research.

Business interests are protected by Article 15 and Article 16 of the Charter of Fundamental Rights of the European Union. Scientific research is protected under Article 13 of Charter of Fundamental Rights of the European Union. Although some of the interests of the partners differ, they all pursue the goal to make underground investigations more effective through development and research of novel data driven techniques thereby helping making societies more secure and following legitimate interests.

The DATACROS II consortium conducted a data protection impact assessment and it is aware of the risks to fundamental rights and freedoms of the data subjects affected by the processing. These risks may result in interests contrary to the interests of the DATACROS II consortium. Those interests go along with the protection of personal data and the right to privacy protected under Articles 7 and 8 of the Charter of Fundamental Rights of the European Union. The DATACROS II project carefully weighed these different interests. Putting into respect the public availability and pseudonymity of the data, the specific interest in development of privacy aware tools, as well as the implementation of high safeguards to protect the rights and freedoms of the data subjects in the project, these contrary interests do not outweigh the legitimate interests of the project partners described above.

7. Categories of personal data

DATACROS II processes the following categories of personal data:

1. Business ownership data on individuals (common data):
 - Source: Bureau van Dijk – Orbis¹;

¹ <https://www.bvdinfo.com/en-gb/product-privacy-policy>

- Information collected: Information on beneficial owners of businesses registered within the EU28 countries.
2. Local PEP data (special categories of personal data):
- Source: Italian Ministry of Interior Open data, French Government Open data, Spanish Government Open data;
 - Information collected: Information on Politically Exposed Persons at local level in Italy, France and Spain.
3. Compliance Lists (special categories of personal data and personal data related to criminal convictions and offences):
- Source: LexisNexis World Compliance;
 - Information collected: Information on Sanctions (Individual included in a Global screening list such as: OFAC, EU, UN, BOE, FBI, BIS and others), Enforcements (Individual with final sentences and court filings around the world, gathered from open data and press releases of: FDA, US HHS, UK FSA, SEC and others), high-level Politically Exposed Individuals and their family members²;

All databases/sources are owned by third parties and/or publicly available and the specific processing procedures performed on them are subject to previous evaluation by the projects data protection officer.

8. Processing details

DATAACROS focuses on the analysis of data from third parties and publicly available sources.

Unique identification of this data is only possible by connecting it with further data/information.

The lifecycle of data and processes is displayed below

- **Step 1 – User search:** The user searches for a company or a set of companies.
- **Step 2 – Data gathering and creation of database:** the necessary information is identified based on the user's search criteria, gathered and stored in a database.
- **Step 3 – Data processing and risk scoring:** The tool processes the relevant data in the database to calculate risk scores. Risk indicators are calculated by the prototype based on algorithms developed by Transcrime.
- **Step 4 – Output:** Based on calculations made in Step 3, the prototype provides a series of outputs to the user. Outputs include:
 - o **Risk Indicators** for the selected companies
 - o **Graphs** showing links among companies
 - o **Maps** showing the geographic distribution of companies

9. Recipients or categories of recipients of the personal data

Personal data may be shared only among joint-data controllers involved in the DATAACROS II Project.

² The full list of data Sources considered by Lexis Nexis for Sanctions, Enforcement and PEPs is available upon request.

10. Storage and retention

Personal data are not intended to be stored longer than necessary for the research purposes pursued by the DATACROS II project. At the end of the project in January 2024, it will be reassessed for each partner individually, if further storage is necessary and lawfully possible. In this regard, the differences between, LEAs, ACAs, CAs and research organizations have to be taken into account. In order to assess the necessity of further storage, data review takes place periodically over the course of the project. Unnecessary data will be anonymized or deleted.