

**Ex post control on the compliance with EB decision 2022/03 “Application by analogy of the Commission Decision C(2022)1788 on working time and hybrid working”**

The European Union Agency for Fundamental Rights (FRA or Agency) processes the personal data of a natural person in compliance with Regulation 2018/1725 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.

This data protection notice explains FRA’s policies and practices regarding its collection and use of your personal data and sets forth your privacy rights. We recognise that information privacy is an ongoing responsibility, and we will update this notice where necessary.

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## 1. Why do we process personal data?

The purpose of the processing is to perform an ex-post control of the application of the rules on working time and teleworking introduced by [Executive Board \(EB\) Decision 2022/03](#) “Application by analogy of the Commission Decision C(2022)1788 on working time and hybrid working”.

In accordance with Decision 2022/03, the Agency shall perform an evaluation of its implementation. In this context, the access to personal data is intended to verify the correct application of the existing rules.

## 2. What kind of personal data does the Agency process?

We will process only the following personal data of FRA staff and SNEs necessary for the processing operation described above (limited to the first access by HR administrators to the records in SYSPER):

(a) General personal data:

- Personal details: Name and surname.
- Other: Location data (presence in the office)

## 3. How do we collect and process your personal data?

The personal data mentioned in section 2 above will be extracted directly from SYSPER (data protection notice available [here](#)) in an aggregated way by the authorised HR administrators. Only the authorised HR administrators will have access to the personal data. After this first access, all personal data will be anonymised. Following the extraction of the anonymised data, an analysis of the aggregated data will be performed by the assigned FRA staff in the context of the ex-post control/compliance exercise.

## 4. Who is responsible for processing your personal data?

The Agency is the legal entity responsible for the processing of your personal data and determines the objective of this processing activity. The Head of Corporate Services Unit is responsible for this processing operation.

## 5. Which is the legal basis for this processing operation?

The processing of personal data in the context of the verification of the application of EB Decision 2022/03 “Application by analogy of the Commission Decision C(2022)1788 on working time and hybrid working” is necessary for the management and functioning of the Agency and is in compliance of Articles 1e(1) and (2) and Article 55 of the Staff Regulations and Articles 10, 16, 80 and 91 of the CEOS. In this respect, processing of personal data as indicated in Section 2 above is necessary to carry out an evaluation of the

implementation of the rules laid down in EB Decision 2022/03. Moreover, ex-post controls are required by Article 45 (8) of the Financial Rules applicable to the Agency.

Therefore, the processing operation is lawful in accordance with Article 5.1.(a) of Regulation (EU) 2018/1725.

## **6. Who can see your data?**

A restricted number of FRA authorized HR staff will have access to your personal data as indicated in Section 2 above only during the first access in SYSPER.

## **7. Do we share your data with other organisations?**

Personal data is processed by the Agency only. In case that we need to share your data with third parties, you will be notified to whom your personal data has been shared with.

## **8. Do we intend to transfer your personal data to Third Countries/International Organizations**

No.

## **9. When will we start the processing operation?**

We will start the processing operation in January 2024.

## **10. How long do we keep your data?**

Personal data will remain in the system (SYSPER), only aggregated data will be extracted, anonymized and kept for 3 years for the duration of the control exercise, including time for review by auditing bodies.

## **11. How can you control your data?**

Under Regulation 2018/1725, you have rights we need to make you aware of. The rights available to you depend on our reason for processing your information. You are not required to pay any charges for exercising your rights except in cases where the requests are manifestly unfounded or excessive, in particular because of their repetitive character.

We will reply to your request without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests.

You can exercise your rights described below by sending an email request to [expostcontrols@fra.europa.eu](mailto:expostcontrols@fra.europa.eu).

### **11.1. The value of your consent**

Since the processing of the personal data is necessary for the management and functioning of the Agency, you are not required to provide your consent.

### **11.2. Your data protection rights**

#### **a. Can you access your data?**

You have the right to receive information on whether we process your personal data or not, the purposes of the processing, the categories of personal data concerned, any recipients to whom the personal data have been disclosed and their storage period. Furthermore, you can have access to such data, as well as obtain copies of your data undergoing processing.

#### **b. Can you modify your data?**

You have the right to ask us to rectify your data you think is inaccurate or incomplete at any time.

#### **c. Can you restrict us from processing your data?**

You have the right to restrict the processing of your personal data. If you do, we can no longer process them, but we can still store them. In some exceptional cases, we will still be able to use them (e.g. with your consent or for legal claims). You have this right in a few different situations: when you contest the accuracy of your personal data, when the Agency no longer needs the data for completing its tasks, when the processing activity is unlawful, and finally, when you have exercised your right to object.

#### **d. Can you delete your data?**

You have the right to ask us to delete your data when the personal data are no longer necessary for the purposes for which they were collected, when you have withdrawn your consent or when the processing activity is unlawful. In certain occasions we will have to erase your data in order to comply with a legal obligation to which we are subject.

We will notify to each recipient to whom your personal data have been disclosed of any rectification or erasure of personal data or restriction of processing carried out in accordance with the above rights unless this proves impossible or involves disproportionate effort from our side.

#### **e. Are you entitled to data portability?**

Data portability is a right guaranteed under Regulation 1725/2018 and consists in the right to have your personal data transmitted to you or directly to another controller of your choice.

In this case, this does not apply for two reasons: I) in order for this right to be guaranteed, the processing should be based on automated means, however we do not base our processing on any automated means; II) this processing operation is carried out in the public interest, which is an exception to the right to data portability in the Regulation.

**f. Do you have the right to object?**

When the legal base of the processing is “*necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body*” which is the case in most of our processing operations, you have the right to object to the processing. In case you object, we have to stop the processing of your personal data, unless we demonstrate a compelling reason that can override your objection.

**g. Do we do automated decision making, including profiling?**

Your personal data will not be used for automated decision-making including profiling.

**12. What security measures are taken to safeguard your personal data?**

The Agency has several security controls in place to protect your personal data from unauthorized access, use or disclosure. We keep your data stored on our internal servers with limited access to a specified audience only.

**13. What can you do in the event of a problem?**

a) The first step is to notify the Agency by sending an email to [expostcontrols@fra.europa.eu](mailto:expostcontrols@fra.europa.eu) and ask us to take action.

b) The second step, if you obtain no reply from us or if you are not satisfied with it, contact our Data Protection Officer (DPO) at [dpo@fra.europa.eu](mailto:dpo@fra.europa.eu).

c) At any time you can lodge a complaint with the EDPS at <http://www.edps.europa.eu>, who will examine your request and adopt the necessary measures.

**14. How do we update our data protection notice?**

We keep our data protection notice under regular review to make sure it is up to date and accurate.

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