

Management and (short- and medium-term) preservation of FRA documents by HAN (HERMES-ARES-NOMCOM) system

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 collect personal data?

FRA process personal data while managing and (temporarily) preserving (storing) documents to respond to a number of essential needs of the institution:

- Ensure continuity and accountability in the context of the Agency activities by keeping appropriate documentation on them, and contribute to the transparency of Agency activities to the citizen
- Improve quality of services with document management, collaboration and workflow features;
- Preserve the institutional memory of the Agency, through long term preservation of certain categories of files for archiving purposes.

The processing of data for the management and preservation of FRA documents using HAN (HERMES-ARES-NOMCOM) system is necessary for the following reasons:

1. Ensure that documents are authoritative records of the Agency (meaning that they have reliability, integrity, usability and authenticity) accompanying them by metadata (including by means of personal data such as names) that explicitly document their critical characteristics.
2. Ensure the traceability of documents (including by means of personal data such as names) to be able to clearly and definitely identify the documents created or received so they can be traced throughout their lifecycle and managed in the context in which they were created or received.
3. Ensure compliance with the Agency's Document Management (PO.QMS.001) policy and Document and Records process (PR.QMS.005).
4. Ensure that appropriate techniques and security measures are adopted to ensure IT security of the systems used for records management, including the maintenance and update of these systems.
5. Enable access management and access control based on the predefined rights of users and owner departments of documents and on the level of accessibility to the documents themselves.
6. Enable processing for archiving purposes in the public interest in line with the retention policies

2. What kind of personal data does the Agency collect?

We will collect only the following personal data necessary for the processing operation described above.

Personal data in the metadata accompanying documents and files:

- Mandatory minimum metadata in relation to the author and addressee of a given document: typically name and surname of the respective individuals and the department/body to which they belong;
- The title or subject of the document or file concerned may contain any category of personal data and typically reflects the title or subject indicated by the author of the document or the service responsible for managing the file;

- The title/brief description of the attachments of the document concerned may contain any category of personal data.

Personal data in the audit trail and workflow data:

- Name, surname, department, e-mail address of the author(s) or participant(s) involved in major records management actions at the level of metadata, documents, files or procedures (e.g. document signing, document transmission, responsibility for a given file or for transfer of a given file to the historical archives).

Personal data in access management and control data:

- Name, surname, department, e-mail address and individual access rights of a user may be processed.

Personal data in document content (to ensure authoritative records, for full text search and for the (organisation of the) transfer of files to the historical archives).

- The documents processed may contain any category of personal data that was provided by the person writing the document, for example:

(a) General personal data:

- Personal details
- Contact details
- Education & Training details
- Employment details
- Financial details
- Family, lifestyle and social circumstances

(b) Special categories of personal data:

- data revealing racial or ethnic origin
- political opinions
- religious beliefs
- genetic data, biometric data, data concerning health or sexual orientation

3. How do we collect your personal data?

The data involved in the processing operation of records management can be provided and collected by different means.

Data can be collected through automatic processing (computer/machine) or through manual processing (Word documents, Excel sheets etc).

Data can be provided by the data subject (including by filling in forms on our websites or by corresponding with us by phone, email and live chat, etc.), be collected by FRA staff or be contained in the records stored

in the Agency's records management systems. FRA can also receive data from other sources, including FRA contractors.

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.

The European Commission Secretariat-General (SG.C.1 - Transparency, Document Management & Access to Documents (SG-DATA-PROTECTION-COORDINATOR@ec.europa.eu)) is the processor on the basis of a Service Level Agreement signed between FRA and the European Commission.

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

Processing personal data in the context of document management is necessary for the management functioning of the Agency. Therefore, the processing is lawful under Article 5(1)(a) of the Regulation (EU) 2018/1725.

Processing personal data in the context of document management is necessary for compliance with a legal obligation of EU law to which the Agency is subject. In particular,

- FRA's Document Management policy (PO.QMS.001) and Document and Records process (PR.QMS.005)
- [Commission decision \(EU\) 2021/2121 on records management and archives](#) (referred to internally as Commission decision C(2020)4482).
- Common Commission-level retention list for European Commission files: SEC(2007)970, SEC(2012)713, SEC(2019)900 and SEC(2022)400.
- [Council Regulation \(EEC, Euratom\) No 354/83](#) concerning the opening to the public of the historical archives
- [Regulation \(EC\) 1049/2001](#) of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents

Therefore, the processing is lawful under Article 5(1)(b) of the Regulation (EU) No 2018/1725.

Although the HAN system does not process special categories of data for the managing and preservation of FRA documents, it might be that the content of the documents managed includes special categories of data. In that case, the legal basis for the processing of special categories of data will depend on the category of personal data and the purpose for which the data were collected and processed in the first place and would fall under any of the exceptions of Article 10(2) of Regulation (EU) 2018/1725.

6. Who can see your data?

Within FRA, access to your personal data is provided to FRA staff that are involved in the processing to achieve the specific purposes of this processing operation (set out in Section 3), granting access on a 'need to know' basis depending on the tasks to be carried out. Full access is only assigned to the administrator of the application. Staff who are involved in a workflow have access to the related files. Although all staff can access and use the system, access to data is restricted to those staff members involved in a particular file /electronic workflow.

Outside FRA, data can be accessed by all persons that are recipients of documents that have been sent by the Agency in the context of its activities. External recipients are EUIBAs who are using HAN. Developers and helpdesk in Secretariat-General (SG) of the European Commission may need access to the data to solve bugs, to test new developments or for user research and usability tests. Data can also be transferred for specific purposes of control to the auditing or inquiring bodies like the Internal Audit of the European Commission, OLAF or the Court of Auditors, EDPS, etc. in respect of the provisions of the Regulation (EU) 2018/1725.

7. Do we share your data with other organisations?

Personal data is processed by the Agency and its processor 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 we will start the processing operation?

The HAN system is operative at FRA since September 2023. The processing operation starts as soon as a document containing personal data is registered in the HAN system.

10. How long do we keep your data?

Your data will be kept by the Agency as follows:

- Personal data in mandatory metadata in relation to any document: indefinitely
- Personal data in audit trail and workflow data: indefinitely
- Personal data in access management and control data: for as long as the user works for the Agency
- Personal data in document content: throughout the retention period, as defined in the [common retention list](#) or specific retention list.

For more detailed information on the retention periods above, please refer to the data protection notice of the processor [here](#).

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 han@fra.europa.eu.

11.1. The value of your consent

Since the processing of personal data by FRA in this processing operation is not based on the data subjects consent but in other legal basis, 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?

No, your personal data will not be used for an 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 unauthorised access, use or disclosure. In addition, as the system is operated by the Commission, standard technical and organisational security measures are applied.

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 han@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.

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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