

Reimbursements under FRA wellbeing initiatives

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?

We collect and process your personal data in order to handle the claims for reimbursement submitted by staff for social and wellbeing initiatives adopted by FRA.

Such measures aim to support the health and wellbeing of staff, as required by Article 1e of Council Regulation (EEC, EURATOM, ECSC) No 259/68 (hereinafter “Staff Regulations”), either in line with the aims of Decision DIR/001/2015 adopting the Wellbeing Policy of FRA or with a view to enhancing social, environmental and/or organisational wellbeing on the basis of specific decisions and reimbursement schemes adopted by the agency.

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.

(a) General personal data:

- Personal details (name, surname)
- Contact details (postal address, email address)
- Financial details (bank account information to which the reimbursement should be made)

3. How do we collect your personal data?

We collect only the personal data you provide us when you submit your claim for reimbursement to the designated functional mailbox. Your personal data on the reimbursement form will be stored in a dedicated DMS space accessible only to designated staff in HR Corporate Services and uploaded to the financial eWorkflow of the Agency and encoded in ABAC for the purpose of processing the reimbursement payment.

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 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 reimbursement claims is necessary for the management and functioning of the Agency: Article 1e of the Staff Regulations requires that “Officials in active

employment shall have access to measures of a social nature, including specific measures to reconcile working life with family life, adopted by the institutions” and that “Officials in active employment shall be accorded working conditions complying with appropriate health and safety standards”. Therefore, the processing is lawful under Article 5.1(a) of the Regulation (EU) No 2018/1725.

In addition, since the participation in the reimbursement scheme is a voluntary measure and not mandatory, data subjects will be requested to provide consent. Therefore, the processing of the personal data is also in accordance with Article 5.1(d) of Regulation (EU) No 2018/1725.

6. Who can see your data?

During the reimbursement period in which staff can submit their claims, a restricted number of staff in Human Resources, who are responsible for wellbeing, can access your personal data. In addition, a limited number of staff with designated roles in the financial workflow and in ABAC and IT staff with administrator rights for the HR DMS have access.

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 we will start the processing operation?

We will start the processing operation when you submit your form for reimbursement.

10. How long do we keep your data?

The data will be retained in HR until the end of the retention period required for supporting documents underpinning financial transactions (7 years), after which it will be manually deleted.

Data stored in ABAC will be retained in accordance with the ABAC retention policy.

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 HR@fra.europa.eu.

11.1. The value of your consent

Since your participation is not mandatory, we need proof that you consented to the processing of your personal data. Consent will be collected via your signature on the relevant reimbursement form and its subsequent submission to HR. You have the right to withdraw your consent at any time, and we will delete your data or restrict its processing. All processing operations up until the withdrawal of consent will still be lawful.

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 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. 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 HR@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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