

YOUR RIGHTS MATTER: DATA PROTECTION AND PRIVACY





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About the survey

The **Fundamental Rights Survey** provides, for the first time, a comprehensive set of comparable data on people's experiences and opinions concerning their fundamental rights. The survey focuses on everyday situations in areas including data protection, equal treatment, access to justice, consumer rights, crime victimisation, good administration and the importance of protecting rights.

This document only covers selected results related to data protection and technology. FRA will publish results on other areas in other reports and products.

The Fundamental Rights Survey interviewed just under 35,000 people aged 16 years and older in all EU Member States, North Macedonia and the United Kingdom. The survey design involves a combination of face-to-face and online data collection, as appropriate in each country, to reach a representative sample of the total population. Fieldwork took place from January 2019 to October 2019.

Data collection was carried out by Ipsos MORI on behalf of FRA, and in cooperation with Statistics Netherlands (CBS) in the Netherlands, the Centre des Technologies de l'Information de l'Etat (CTIE) in Luxembourg and Statistics Austria in Austria. Table 1 in the Annex provides an overview of the methodology used in each country.

FIG.7

This document presents data from the FRA Fundamental Rights Survey. It includes data on opinions and experiences of people in the European Union (EU) linked to data protection and technology.

The European Commission requested the European Union Agency for Fundamental Rights (FRA) to prepare this document for their report on the application of the General Data Protection Regulation (GDPR, see Article 97 of the GDPR).

This document focuses on two main aspects: the way and willingness of people to share data about themselves, and their awareness about the EU data protection legal framework. Each section includes a short overview of relevant GDPR provisions, followed by the survey results.

This document should be cited as European Union Agency for Fundamental Rights (FRA) (2020), Your rights matter: Data protection and privacy, Fundamental Rights Survey.



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SHARING DATA ONLINE

This section includes data on people's willingness to share different types of personal data with public authorities and private companies. It also covers people's concerns about possible misuse of their data.

WHAT DOES THE GDPR SAY?

Lawfulness - Public administration and private companies must rely on legal grounds to collect personal data. The GDPR provides for six possible legal grounds for processing personal data. One of these legal grounds is consent. Individuals must indicate their willingness to share their personal data (Article 6 of the GDPR). Where special categories of data are processed – such as political views, religious beliefs, sexual orientation or biometric data for the purpose of uniquely identifying a natural person – additional conditions apply for the processing of such data (Article 9 of the GDPR).



WILLINGNESS TO SHARE DATA ONLINE AND ACTUAL PRACTICES

The Fundamental Rights Survey asked respondents about their willingness to share personal data with public administration and with private companies. The data covered in the survey include the respondent's home address, citizenship, date of birth, sexual orientation, religion or belief, political views, fingerprints and facial images.

Question: "Which of the following types of personal information would you be willing to provide to use a service offered by a (1) private company or (2) public administration?" Multiple responses allowed: 1 Your home address, 2 Your citizenship, 3 Your date of birth, 4 Whether you're straight, gay, lesbian or bisexual, 5 Your religion or belief, 6 Your political views, 7 A scan of your fingerprints for identity purposes, 8 Your facial image for identity purposes, 9 I would not be willing to provide any of the above.

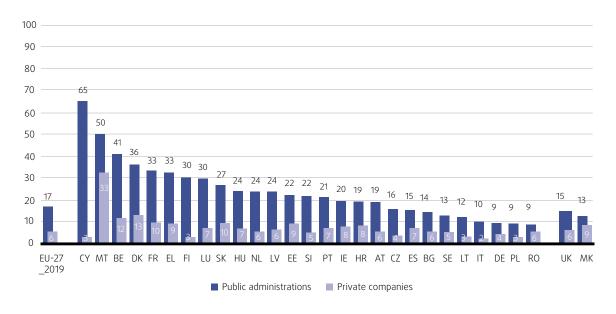
Results: In the EU-27, more than one in five respondents (23 %) **do not want** to share any of these data with public administration, and 41 % do not want to share these data with private companies.

More than half of respondents would be willing to share basic personal data with public administration, including their home address (63 %), date of birth (62 %) and citizenship (58 %). This is considerably lower for private companies, where only slightly more than one third would be willing to share such data (date of birth 38 %, citizenship 37 % and home address 36 %). People are much less willing to share other data. People are least willing to share their political views (7 %) with public administration. Only about

one in 20 is willing to share their facial images (6 % - see Figure 1), political views (5 %) or fingerprint scan (4 %) with private companies.

The results vary strongly across countries. Figure 1 shows the percentages of people willing to share their facial images across the EU-27 countries, the United Kingdom and North Macedonia.

FIGURE 1: WILLINGNESS TO SHARE FACIAL IMAGES FOR IDENTITY WITH PUBLIC AUTHORITIES AND PRIVATE COMPANIES, BY COUNTRY



Notes: Question: Which of the following types of personal information would you be willing to provide to use a service offered by a (1) private company or (2) public administration? Your facial image; N = 26,045.

Source: FRA, Fundamental Rights Survey 2019 [Data collection in cooperation with CBS (NL), CTIE (LU) and Statistics Austria (AT)]

The percentage of people willing to share different types of personal data indicates how comfortable people generally are when sharing their data. Even though some people are not willing to share some of their personal data, they might still do so for various reasons.



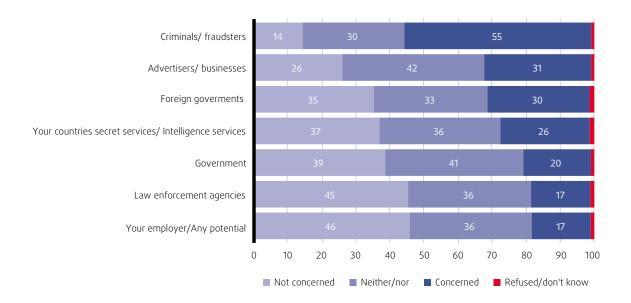
DEGREE OF CONCERN

The Fundamental Rights Survey asked respondents, who use the internet, how concerned they are about third parties accessing personal information shared online.

Question: How concerned are you, if at all, that some of the information you share on the internet – including social media – might be accessed by any of the following without your knowledge or permission? (1) Your employers or any potential employers, (2) advertisers, (3) government, (4) law enforcement agencies, (5) criminals or fraudsters, (6) your country's secret services / intelligence services, and (7) foreign governments. Respondents could indicate their degree of concern on a scale from 1 to 7, where 1 meant 'Not at all concerned' and 7 'Very concerned'.

Results: In the EU-27, most people who use the internet are concerned that criminals or fraudsters might access the personal information they share on the internet without their knowledge (55 %). 30 % are either not strongly concerned or not concerned at all. 14 % are not concerned about criminals accessing their data. People also tend to be concerned about access to information without knowledge or permission by advertisers and businesses (31 %), foreign governments (30 %) and their country's intelligence services (26 %). Fewer people are concerned by law enforcement agencies (17 %) or employers (17 %) using their data (Figure 2).

FIGURE 2: DEGREE OF CONCERN ABOUT THIRD PARTIES ACCESSING PERSONAL INFORMATION SHARED ONLINE, EU-27



Notes: Only respondents who use the internet; measured on a seven point scale: "Not concerned" includes respondents selecting the values 1 or 2, "Neither/nor" includes the values 3, 4 and 5 and "Concerned" the values 6 and 7; N = 19,612

PRACTICES AND EXPERIENCES WITH SHARING PERSONAL DATA ONLINE

The Fundamental Rights Survey asked respondents about their awareness of privacy online and how they manage it. The survey asked respondents who own a smartphone with internet access about their awareness of its privacy and location settings, if they read and understand the terms and conditions of online services, and whether they find it easy or hard to consent to terms and conditions when using online services.

WHAT DOES THE GDPR SAY?

Transparency – awareness of what is being done with personal data enables individuals to exercise their rights. Information about the intended processing should therefore be provided in a "concise, transparent, intelligible and easily accessible form" (Article 12 of the GDPR).

Right to be informed – not only the purposes and the legal basis for the processing should be communicated to individuals, but also a large range of information allowing them to fully understand the processing at stake and implement their rights. This includes being told about: the identity and contacts of the entity collecting their data; how long their data will be kept; the recipients or categories of recipients of the personal data; and whether the personal data will be transferred to a non-EU country or international organisation (Articles 13 and 14 of the GDPR).

Consent - Consent must be freely given, specific, informed and provide an unambiguous indication of an individual's wishes signifying agreement to the processing of their personal data. Individuals have the right to change their mind and withdraw their consent, at any time. The GDPR clarifies that the request for consent shall be presented in "an intelligible and easily accessible form, using clear and plain language" (Article 7 of the GDPR).

Data protection by design and by default: technical and organisational measures should be implemented to ensure data protection by design and by default. Notably, by default settings should ensure that personal data are not made accessible without the individual's intervention to an indefinite number of persons (Article 25 of the GDPR).

AWARENESS OF PRIVACY AND LOCATION SETTINGS ON SMARTPHONES

Questions:

[Only those respondents who have a smartphone that allows them to access the internet or social media]: Do you know how to check the privacy settings when using different apps on your smartphone? (1) Yes, on all apps, (2) Yes, on some apps, (3) No, (4) I don't know what privacy settings are.

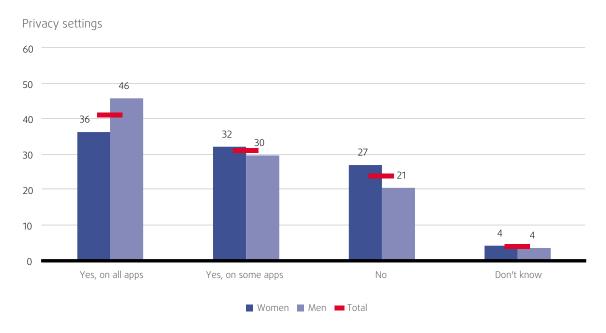
[Only those respondents who have a smartphone that allows them to access the internet or social media]: Do you know how to turn off the location settings on your smartphone? (1) Yes, (2) No, (3) I don't know what location settings are.

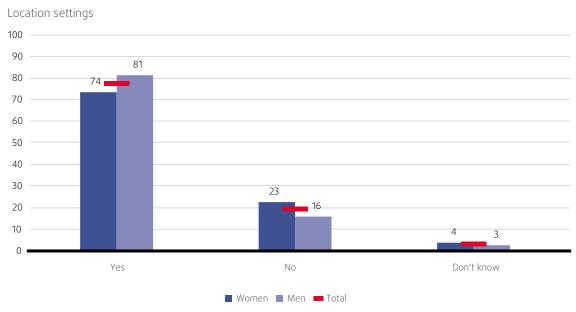


Results: The majority of people in the EU-27 (72 %) know about the privacy settings on their smartphones. However, less than half of the respondents (41 %) know the privacy settings on all their apps and 31 % only for some apps. Slightly more people know where to turn off the location settings (77 %).

There is a gender gap in the knowledge about the use of privacy and location settings. 21 % of men do not know how to check privacy settings, compared to 27 % of women. 23 % of women do not know how to turn off location settings, compared to 16 % of men.

FIGURE 3: AWARENESS OF PRIVACY AND LOCATION SETTINGS AMONG SMARTPHONE USERS, BY GENDER, EU-27 (%)

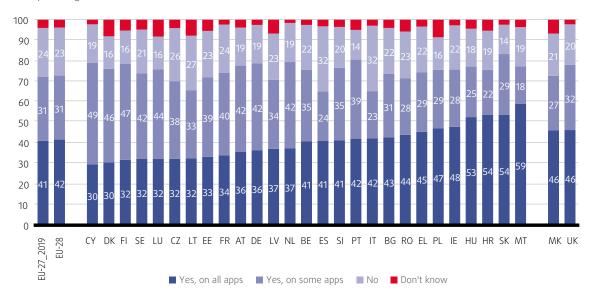




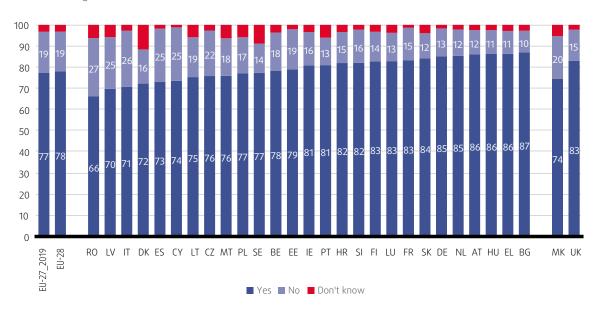
Notes: Only respondents who have a smartphone; N = 17,918

FIGURE 4: AWARENESS OF PRIVACY AND LOCATION SETTINGS AMONG SMARTPHONE USERS BY COUNTRY (%)

Privacy settings



Location settings



Notes: Only respondents who have a smartphone; N = 18,515



CONSENT TO DATA PROCESSING

Questions:

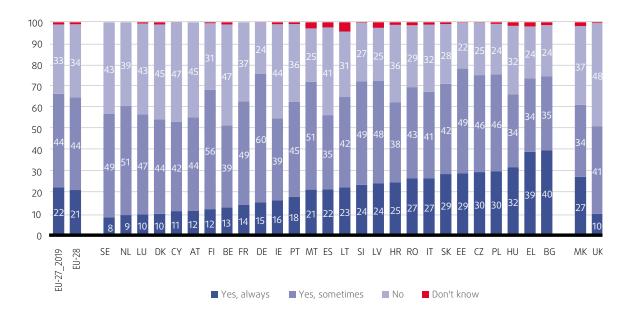
[Only those respondents who use the internet]: You may have been asked to approve or consent to your data being processed when using online services, websites or apps. Do you read these terms and conditions? (1) Yes, always, (2) Yes, sometimes, (3) No

[Only those respondents who at least sometimes read terms and conditions]: Would you say you understand the terms and conditions when you approve or consent to your data being used? (1) Yes, (2) No

[Only those respondents who use the internet]: Do you feel you can easily choose not to approve or consent to your data being used when using online services, websites or apps? (1) Yes, (2) No

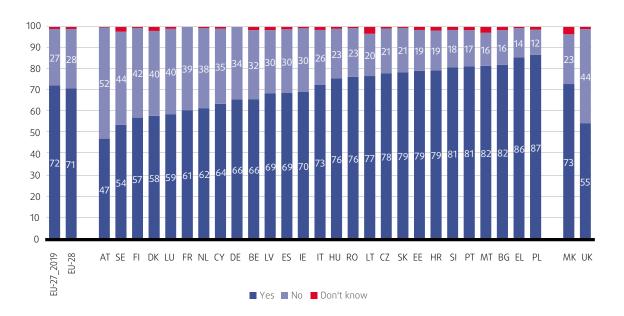
Results: Overall, only one in five respondents in the EU says they always read the terms and conditions when using online services (22 %). 44 % read them sometimes and 33 % do not read the terms and conditions (1 % don't know). The percentage of those not reading terms and conditions is especially high in Belgium and Cyprus (each 47 %) as well as in the United Kingdom (48 %). In contrast, in Estonia 22 % of people do not read the terms and conditions. Among those who read the terms and conditions, at least sometimes, 27 % do not understand them. Half of the respondents do not find it easy to consent to personal data usage through online services (49 %). Overall, there are no major gender differences for these questions for the EU-27.

FIGURE 5: READING TERMS AND CONDITIONS WHEN USING ONLINE SERVICES BY COUNTRY (%)



Notes: Only respondents who use the internet; N = 20,279

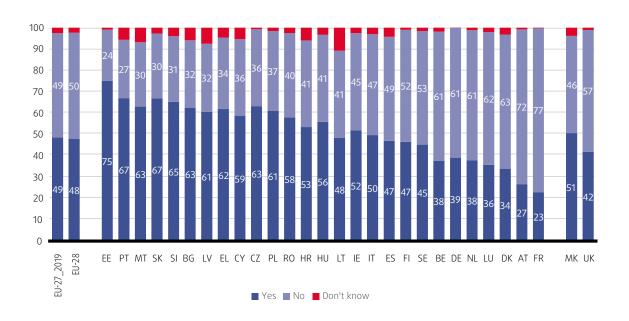
FIGURE 6: UNDERSTANDING TERMS AND CONDITIONS WHEN USING ONLINE SERVICES, BY COUNTRY (%)



Notes: Only respondents who read terms and conditions sometimes or always; N = 13,206

Source: FRA, Fundamental Rights Survey 2019 [Data collection in cooperation with CBS (NL), CTIE (LU) and Statistics Austria (AT)]

FIGURE 7: FINDING IT EASY TO CONSENT TO PERSONAL DATA USAGE THROUGH ONLINE SERVICES BY COUNTRY (%)



Notes: Only respondents who use the internet; N = 20,279

AWARENESS OF THE GDPR, DATA PROTECTION LAWS AND AUTHORITIES

WHAT DOES THE GDPR SAY?

Awareness – each Member State must provide for one or more independent public authorities responsible for monitoring the GDPR's application, and for promoting "public awareness and understanding of the risks, rules, safeguards and rights in relation to processing" (Article 57 of the GDPR).

Right of access – the rights of individuals depend on their capacity to know which data are being collected, who collects the data, how the data will be processed, and for how long. Public administration and private entities are required to communicate this information to any individuals requesting it (Article 15 of the GDPR).

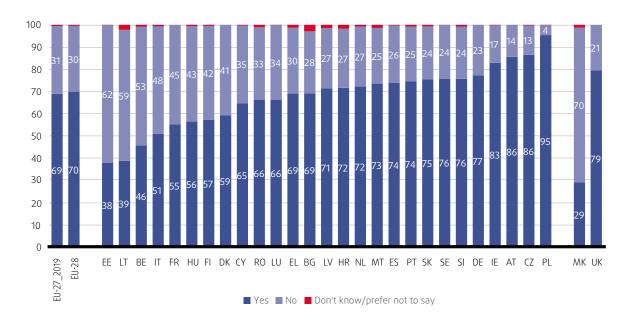


AWARENESS OF THE GDPR

Question: Have you heard of the General Data Protection Regulation – GDPR? (1) Yes, (2) No

Results: Overall, 69 % of people in the EU-27 have heard about the General Data Protection Regulation (GDPR). Men are slightly more aware of the GDPR (71 %), compared to women (67 %).

FIGURE 8: AWARENESS OF THE GDPR BY COUNTRY (%)



Notes: N = 25,018

Source: FRA, Fundamental Rights Survey 2019 [Data collection in cooperation with CBS (NL), CTIE (LU) and Statistics Austria (AT)]

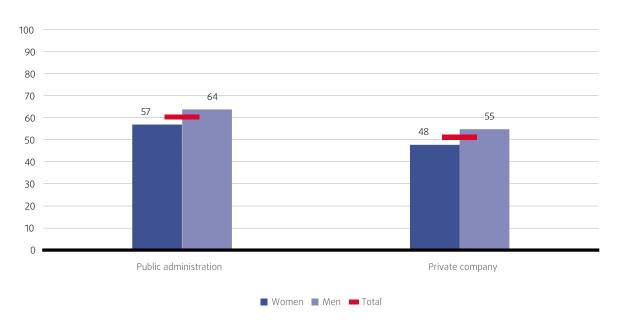
AWARENESS OF THE RIGHT TO ACCESS PERSONAL DATA

Question: Your personal data includes information about you such as your address or date of birth. Are you aware of any laws in [COUNTRY] that allow you to check what personal data has been collected about you by the following organisations? (a) Public administration – including local authorities, (b) A private company: (1) Yes, there is such a law, (2) No, there is no such law

Results: 60 % of respondents in the EU-27 are aware of a law that allows them to access their personal data held by public administrations. However, this decreases to 51 % for private companies. This means that only one in two people in the EU-27 are aware that they can access their data held by companies.

There is a gender gap in the awareness of data protection laws. Women are less aware compared to men. For both areas, public administration and private companies, women are less aware about their right to access their personal data. Figure 9 shows the awareness of the right to access personal data with respect to public administration and private companies.

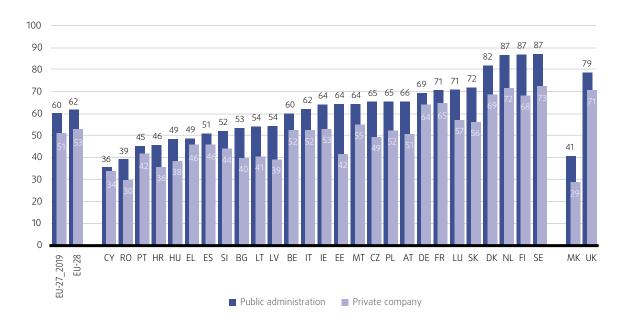
FIGURE 9: AWARENESS OF THE RIGHT TO ACCESS PERSONAL DATA AT PUBLIC ADMINISTRATION AND PRIVATE COMPANIES BY GENDER IN THE EU-27 (%)



Notes: N = 24,354

Source: FRA, Fundamental Rights Survey 2019 [Data collection in cooperation with CBS (NL), CTIE (LU) and Statistics Austria (AT)]

FIGURE 10: AWARENESS OF THE RIGHT TO ACCESS PERSONAL DATA AT PUBLIC ADMINISTRATION AND PRIVATE COMPANIES BY COUNTRY (%)



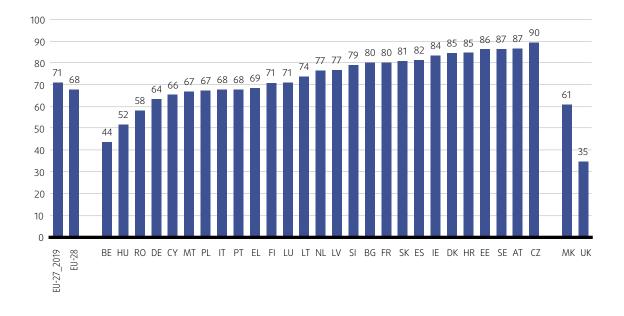
Notes: Respondents answering 'Yes, there is such a law'; N = 25,018

AWARENESS OF DATA PROTECTION AUTHORITIES

Question: Have you ever heard of any of the following? Please respond with the first thing that comes into your head. [NAME OF NATIONAL SUPERVISORY AUTHORITY FOR DATA PROTECTION – BASED ON ART. 51 OF REGULATION (EU) 2016/679]. In the survey, the name of the respective authority was used in each country (see Annex Table 2).

Results: 71 % of people in the EU-27 have heard about their national supervisory authority for data protection (DPA). Most respondents in Czechia have heard about their DPA (90 %). In Belgium, few people have heard about their DPA (44 %) and even fewer in the United Kingdom (35 %).

FIGURE 11: AWARENESS OF DATA PROTECTION AUTHORITIES BY COUNTRY (%)



Notes: N = 25,018



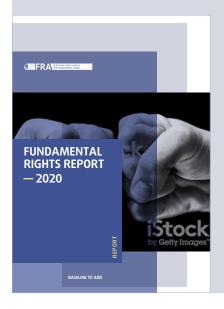
ANNEX

TABLE 1: METHODOLOGY BY COUNTRY

Country	Sampling approach	Mode of interview	Fieldwork dates	Number of interviews
Austria	Random probability	Online	09/04/19 - 09/05/19	1,233
Belgium	Random probability	Face to face	15/06/19 - 21/10/19	1,058
Bulgaria	Random probability	Face to face	15/02/19 - 23/04/19	1,016
Croatia	Random probability	Face to face	18/03/19 - 04/07/19	1,019
Cyprus	Random probability	Face to face	06/02/19 - 22/06/19	1,005
Czechia	Random probability	Face to face	22/03/19 - 06/06/19	1,074
Denmark	Random probability	Online	14/03/19 - 07/05/19	1,173
Estonia	Random probability	Online	25/03/19 - 21/05/19	1,067
Finland	Random probability	Online	14/05/19 - 03/09/19	1,048
France	Quota	Online	21/06/19 - 27/08/19	2,987
Germany	Quota	Online	21/06/19 - 27/08/19	2,972
Greece	Random probability	Face to face	30/03/19 - 12/06/19	1,001
Hungary	Random probability	Face to face	29/03/19 - 02/07/19	993
Ireland	Random probability	Face to face	14/03/19 - 01/08/19	1,006
Italy	Random probability	Face to face	22/03/19 - 21/10/19	1,051
Latvia	Random probability	Face to face	07/05/19 - 02/08/19	1,034
Lithuania	Random probability	Face to face	23/04/19 - 08/08/19	1,008
Luxembourg	Random probability	Online	13/05/19 - 30/09/19	966
Malta	Random probability	Face to face	18/01/19 - 28/07/19	1,004
Netherlands	Random probability	Online	16/01/19 - 23/03/19	1,626
North Macedonia	Random probability	Face to face	15/03/19 - 15/05/19	1,027
Poland	Random probability	Face to face	19/02/19 - 08/06/19	1,000
Portugal	Random probability	Face to face	25/02/19 - 27/05/19	1,001
Romania	Random probability	Face to face	11/02/19 - 21/06/19	999
Slovakia	Random probability	Face to face	04/02/19 - 29/08/19	1,081
Slovenia	Random probability	Face to face	03/05/19 - 28/06/19	1,007
Spain	Random probability	Face to face	06/03/19 - 07/07/19	1,002
Sweden	Random probability	Online	18/04/19 - 13/06/19	1,155
United Kingdom	Random probability	Online	26/03/19 - 23/05/19	1,384

TABLE 2: LIST OF DATA PROTECTION AUTHORITIES RESPONDENTS WERE ASKED ABOUT:

Country	NATIONAL DATA PROTECTION SUPERVISOR	
Austria	Datenschutzbehörde	
Belgium	Commission de la protection de la vie privée (CPVP) (FR) / Commissie voor de bescherming van de persoonlijke levenssfeer (CBPL) (NL)	
Bulgaria	Комисията за защита на личните данни	
Croatia	Hrvatska Agencija za zaštitu osobnih podataka	
Cyprus	Γραφείο Επιτρόπου Προστασίας Δεδομένων Προσωπικού Χαρακτήρα	
Czechia	Úřad pro ochranu osobních údajů	
Denmark	Datatilsynet	
Estonia	Andmekaitse Inspektsioon (ET) / Инспекция по защите данных (RU)	
Finland	Tietosuojavaltuutetun toimisto (FI)/ Dataombudsmannens byrå (SE)	
France	Commission Nationale de l'Informatique et des Libertés - CNIL	
Germany	Die Bundesbeauftragte für den Datenschutz und die Informationsfreiheit	
Greece	Αρχή Προστασίας Δεδομένων Προσωπικού Χαρακτήρα	
Hungary	Nemzeti Adatvédelmi és Információszabadság Hatóság (NAIH)	
Ireland	Data Protection Commissioner / An Coimisinéir Cosanta Sonraí	
Italy	Garante per la protezione dei dati personali	
Latvia	Datu valsts inspekcija (LV) / Государственная инспекция данных (RU)	
Lithuania	Valstybinė duomenų apsaugos inspekcija	
Luxembourg	Commission Nationale pour la Protection des Données (FR) / Nationale Kommission für den Datenschutz (DE)	
Malta	Office of the Data Protection Commissioner	
Netherlands	Autoriteit Persoonsgegevens	
North Macedonia	Дирекција за заштита на личните податоци / Oficerët për mbrojtjen e të dhënave personale	
Poland	Generalny Inspektor Ochrony Danych Osobowych (GIODO)	
Portugal	Comissão Nacional de Protecção de Dados (CNPD)	
Romania	Autoritatea Națională de Supraveghere a Prelucrării Datelor cu Caracter Personal	
Slovakia	Úrad na ochranu osobných údajov Slovenskej republiky	
Slovenia	Informacijski pooblaščenec	
Spain	Agencia de Protección de Datos (ES) / l'Agència Espanyola de Protecció de Dades (CA)	
Sweden	Datainspektionen	
United Kingdom	Information Commissioner's Office	





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PROMOTING AND PROTECTING YOUR FUNDAMENTAL RIGHTS ACROSS THE EU —

This paper shows people's views on sharing personal data online as well as their concerns about possible misuse of their data. It also shows people's awareness of EU data protection rules - the General Data Protection Regulation (GDPR).

FRA's Fundamental Rights Survey asked people about their awareness of privacy online and how they manage it. It also asked if people read the terms and conditions of online services, and whether they find it easy or hard to consent to these when using online services.











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