

**RECORD OF PROCESSING ACTIVITY  
ACCORDING TO ARTICLE 31 REGULATION 2018/1725<sup>1</sup>  
NOTIFICATION TO THE DATA PROTECTION OFFICER**

**NAME OF PROCESSING OPERATION<sup>2</sup>:** Psycho-socio support service FRA staff

Reference number: DPR-2020-098
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Part 1 (Publicly available)

<b>1) Controller(s)<sup>3</sup> of data processing operation (Article 31.1(a))</b>
<p>Controller: European Union Agency for Fundamental Rights (FRA)          Schwarzenbergplatz 11, A-1040 Vienna, Austria          Telephone: +43 1 580 30 – 0          Email: <a href="mailto:information@fra.europa.eu">information@fra.europa.eu</a>          Organisational unit <b>responsible<sup>4</sup></b> for the processing activity: Corporate Services Unit          Contact person: <i>Constantinos Manolopoulos</i>  <a href="#">Constantinos.Manolopoulos</a>          Data Protection Officer (DPO): Robert Jan Uhl <a href="mailto:dpo@fra.europa.eu">dpo@fra.europa.eu</a></p>

<b>2) Who is actually conducting the processing? (Article 31.1(a))<sup>5</sup></b>
<p>The data is processed by the FRA itself <input checked="" type="checkbox"/></p> <p>The data is processed also by a third party (contractor) <input checked="" type="checkbox"/></p>

<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>

<sup>2</sup> **Personal data** is any information relating to an identified or identifiable natural person, i.e. someone who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity. This information may, for example, be the name, date of birth, a telephone number, biometric data, medical data, a picture, professional details, etc.

**Processing** means any operation or set of operations which is performed on personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

<sup>3</sup> In case of more than one controller (e.g. joint FRA research), all controllers need to be listed here

<sup>4</sup> This is the unit that decides that the processing takes place and why.

<sup>5</sup> Is the FRA itself conducting the processing? Or has a provider been contracted?

**Processor - AMZ® Arbeits- und Sozialmedizinisches Zentrum Mödling  
Gesellschaft m. b. H.**

Rathausplatz 3, 2351 Wr. Neudorf

Contact point: [REDACTED] Tel.: +43 (0) 2236 [REDACTED]

### 3) Purpose of the processing (Article 31.1(b))

*Why are the personal data being processed? Please provide a very concise description of what you intend to achieve with the processing operation. Specify the rationale and underlying reason for the processing and describe the individual steps used for the processing. If you do this on a specific legal basis, mention it as well (e.g. staff regulations for selection procedures).*

Due to the COVID 19 pandemic crisis, some Agency staff members might experience stress, loneliness or isolation. In order to help all staff, SNEs and trainees to overcome these difficulties, the Agency is making sessions with a psychologist available to them.

The aim of the psycho-socio support service is to identify the source of stress (work-related or not) causing potential difficult situations both in professional and private life. The duty of the contractor is to guide the FRA staff towards the solution.

Upon direct request of the FRA staff member to the psychologist (whose contact details will be made available to all staff on the Agency's intranet), via e-mail, the contractor will arrange a session of 1 hour. The session can take place online via Skype, Cisco Webex or telephone as long as the crisis and quarantine rules last, and later within the FRA's premises or within the contractor's premises.

Each staff member can receive Psycho-socio support for a maximum of 2 sessions and one concluding session. It will be possible, for the staff member to meet the contractor again within six months from the last session.

In case the contractor detects a serious issue after the last session, for which the staff member needs sick leave, s/he will invite the staff member to see his/her general practitioner who will potentially issue a certificate of unfitness to work as appropriate.

In case of collective needs raised by one or more of the FRA's staff members, the contractor will be asked to arrange specific individual or group sessions in order to cope with the difficult situation. Participation in such sessions will be voluntary.

Please note that no personal data of FRA staff will be disclosed or communicated to the Agency by the contractor, so as to guarantee anonymity and confidentiality. Moreover, according to the Austrian psychologist law (Psychologengesetz Osterreich (§37)) counselling conversations are treated strictly confidentially

4) Description of the categories of data subjects (Article 31.1(c))

*Whose personal data are being processed?*

- |               |                                     |
|---------------|-------------------------------------|
| FRA staff     | <input checked="" type="checkbox"/> |
| Non-FRA staff | <input type="checkbox"/>            |

5) Categories of personal data processed (Article 31.1(c))

*Please tick all that apply and give details where appropriate*

(a) **General personal data**

- |   |                                     |
|---|-------------------------------------|
| Personal details (name, surname, birth date)  | <input checked="" type="checkbox"/> |
| Contact details (email address, mobile number)  | <input checked="" type="checkbox"/> |
| Education & Training details  | <input type="checkbox"/>            |
| Employment details (e.g. work experience, languages, name and type of the employer/organisation, address of the employer/ organisation) | <input type="checkbox"/>            |
| Financial details (e.g. financial identification form, bank account information)  | <input type="checkbox"/>            |
| Family, lifestyle and social circumstances  | <input type="checkbox"/>            |
| Goods or services provided  | <input type="checkbox"/>            |
| Other (please give details):  |                                     |

(b) **Sensitive personal data** (Article 10)

The personal data collected reveal:

- |  |                                     |
|--|-------------------------------------|
| Racial or ethnic origin  | <input type="checkbox"/>            |
| Political opinions   | <input type="checkbox"/>            |
| Religious or philosophical beliefs                                   | <input type="checkbox"/>            |
| Trade union membership   | <input type="checkbox"/>            |
| Genetic, biometric or data concerning health                         | <input checked="" type="checkbox"/> |
| Information regarding an individual's sex life or sexual orientation | <input type="checkbox"/>            |
| N/A  | <input type="checkbox"/>            |

6) Recipient(s) of the data (Article 31.1 (d))

*Recipients are all parties who have access to the personal data. Who will have access to the data **within** FRA? Who will have access to the data **outside** FRA? No need to mention entities that may have access in the course of a particular investigation (e.g. OLAF, EO, EDPS).*

Designated **FRA** staff members

Selected staff members from the Corporate Services Unit if they contact the contractor on behalf of a staff member.

Designated persons **outside** FRA:

Staff of the processor involved in the sessions.

7) Transfers to third countries or international organisations (Article 31.1 (e))<sup>6</sup>

*If the personal data are transferred outside the European Economic Area or to international organisations, this needs to be specifically mentioned, since it increases the risks of the processing operation.*

**Transfer outside of the EU or EEA**

Yes

No

**If yes, specify to which country:**

**Transfer to international organisation(s)**

Yes

No

**If yes specify to which organisation:**

**Legal base for the data transfer**

<sup>6</sup> **Processor** in a third country using standard contractual clauses, a third-country public authority you cooperate with based on a treaty. If needed, consult your DPO for more information on how to ensure safeguards.

Transfer on the basis of the European Commission's adequacy decision (Article 47)

Transfer subject to appropriate safeguards (Article 48.2 and .3), specify:

a)  A legally binding and enforceable instrument between public authorities or bodies.

Standard data protection clauses, adopted by

b)  the Commission, or

c)  the European Data Protection Supervisor and approved by the Commission, pursuant to the examination procedure referred to in Article 96(2) .

d)  Binding corporate rules,  Codes of conduct ,  Certification mechanism pursuant to points (b), (e) and (f) of Article 46(2) of Regulation (EU) 2016/679, where the processor is not a Union institution or body.

Subject to the authorisation from the European Data Protection Supervisor:

Contractual clauses between the controller or processor and the controller, processor or the recipient of the personal data in the third country or international organisation.

Administrative arrangements between public authorities or bodies which include enforceable and effective data subject rights.

Transfer based on an international agreement (Article 49), specify:

***Derogations for specific situations (Article 50.1 (a) –(g))***

N /A

Yes, derogation(s) for specific situations in accordance with article 50.1 (a) –(g) apply In the absence of an adequacy decision, or of appropriate safeguards, transfer of personal data to a third country or an international organisation is based on the following condition(s):

(a) The data subject has explicitly consented to the proposed transfer, after having been informed of the possible risks of such transfers for the data subject due to the absence of an adequacy decision and appropriate safeguards

(b) The transfer is necessary for the performance of a contract between the data subject and the controller or the implementation of pre-contractual measures taken at the data subject's request

(c) The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the controller and another natural or legal person

(d) The transfer is necessary for important reasons of public interest

(e) The transfer is necessary for the establishment, exercise or defense of legal claims

(f) The transfer is necessary in order to protect the vital interests of the data subject or of other persons, where the data subject is physically or legally incapable of giving consent

(g) The transfer is made from a register which, according to Union law, is intended to provide information to the public and which is open to consultation either by the public in general or by any person who can demonstrate a legitimate interest, but only to the extent that the conditions laid down in Union law for consultation are fulfilled in the particular case

8) Retention time (Article 4(e))

*How long will the data be retained and what is the justification for the retention period? Please indicate the starting point and differentiate between categories of persons or data where needed (e.g. in selection procedures candidates who made it onto the reserve list vs. those who didn't). Are the data limited according to the adage "as long as necessary, as short as possible"?*

The retention period of the psychologist for personal data of the patient is 10 years, according to Austrian Law (Psychologengesetz § 35).

9) Technical and organisational security measures (Article 31.1(g))

*Please specify where/how the data are stored during and after the processing; please describe the security measures taken by FRA or by the contractor*

**How is the data stored?**

- |   |                                     |
|---|-------------------------------------|
| FRA network shared drive                  | <input type="checkbox"/>            |
| Outlook Folder(s)                         | <input type="checkbox"/>            |
| CRM                                       | <input type="checkbox"/>            |
| Hardcopy file                             | <input type="checkbox"/>            |
| Cloud (give details, e.g. cloud provider) | <input type="checkbox"/>            |
| Servers of processor                      | <input checked="" type="checkbox"/> |

## 10) Exercising the rights of the data subject (Article 14 (2))

*How can people contact you if they want to know what you have about them, want to correct or delete the data, have it blocked or oppose to the processing? How will you react?*

See further details in the privacy notice: e-mail to [wellbeing@fra.europa.eu](mailto:wellbeing@fra.europa.eu)

### **Data subject rights**

- Right of access
- Right to rectification
- Right to erasure (right to be forgotten)
- Right to restriction of processing
- Right to data portability
- Right to object
- Notification obligation regarding rectification or erasure of personal data or restriction of processing
- Right to have recourse
- Right to withdraw consent at any time