

**RECORD OF PROCESSING ACTIVITY
ACCORDING TO ARTICLE 31 REGULATION 2018/1725¹
NOTIFICATION TO THE DATA PROTECTION OFFICER**

NAME OF PROCESSING OPERATION²:

Procedural safeguards for children who are suspects or accused persons in criminal proceedings – (SR 45)

Reference number: DPR-2020-114
Creation date of this record: 20/11/2020
Last update of this record: 11/02/2021
Version: 1

1) Controller(s)³ of data processing operation (Article 31.1(a))	
Controller:	European Union Agency for Fundamental Rights (FRA) Schwarzenbergplatz 11, A-1040 Vienna, Austria Telephone: +43 1 580 30 – 0 Email: information@fra.europa.eu
Organisational unit responsible⁴ for processing activity:	Research & Data Unit Email: just_digit_secure@fra.europa.eu
Data Protection Officer (DPO):	Robert Jan Uhl Email: dpo@fra.europa.eu

2) Who is actually conducting the processing? (Article 31.1(a))⁵	
The data is processed by FRA itself	<input checked="" type="checkbox"/>
The data is processed also by a third party (contractor) as data processor	<input checked="" type="checkbox"/>
Austria: European Training and Research Center for Human Rights and Democracy (ETC Graz)	

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

² **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.

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

⁴ This is the unit that decides that the processing takes place and why.

⁵ Is the FRA itself conducting the processing? Or has a provider been contracted?

Belgium:

Fundamental Rights Research Center, Vrije Universiteit Brussel

Bulgaria:

Project One (Center for the Study of Democracy)

Estonia:

Estonian Human Rights Centre

Germany:

German Institute for Human Rights

Italy:

Fondazione Giacomo Brodolini

Malta:

The People for Change Foundation

Poland:

Helsinki Foundation for Human Rights

Portugal:

Centre for Social Studies (CES), University of Coimbra

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).

The purpose of the processing of the personal data is to collect information and data for the purpose of a research project - Safeguards for children who are suspects or accused persons in criminal proceedings – perspective of professionals. The European Commission requested FRA to provide the evidence based advice in the context of their implementation report (Article 25 of [Directive 2016/800/EU](#)). The objective of the project is to advise the EU institutions and EU Member States on the specific criminal procedural rights of children. It will look at Directive 2016/800/EU and its implementation in the Member States. This project consists of desk research and social fieldwork research in form of 20 interviews per country. The information from the interviews will feed into the preparation of a report to be published in 2022.

In order to carry out interviews with experts and staff in the public administration (including police officers), their contact details and background information about their work and professional status need to be collected.

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

Whose personal data are being processed?

- FRA staff**
- Non-FRA staff**
(Interviewees: judges, police officers, prosecutors and other juvenile justice professionals)

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

Please tick all that apply and give details where appropriate

(a) General personal data:

The personal data collected include:

- Personal details (*e.g. name, surname, gender*)
- Contact details (*e.g. address, email address, telephone*)
- Education & Training details
- Employment details (*e.g. position/function, work experience, opinions*)
- Financial details (*e.g. financial identification form, bank account information*)
- Family, lifestyle and social circumstances
- Goods or services provided
- Other (please give details): ---

(b) Sensitive personal data (Article 10)

The personal data collected reveal:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic, biometric or data concerning health
- Information regarding an individual's sex life or sexual orientation
- N/A

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

Research and Data Unit/ Just, digital and secure societies programme / Project team

Designated persons **outside** FRA:

FRANET contractors that are involved in the project have access to the data:]

Austria:

European Training and Research Center for Human Rights and Democracy (ETC Graz)

Belgium:

Fundamental Rights Research Center, Vrije Universiteit Brussel

Bulgaria:

Project One (Center for the Study of Democracy)

Estonia:

Estonian Human Rights Centre

Germany:

German Institute for Human Rights

Italy:

Fondazione Giacomo Brodolini

Malta:

The People for Change Foundation

Poland:

Helsinki Foundation for Human Rights

Portugal:

Centre for Social Studies (CES), University of Coimbra

7) Transfers to third countries or international organisations (Article 31.1 (e))⁶

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

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):

⁶ **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.

- (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 processing operation will commence in February 2021 and is projected to end with the publication of FRA's final report in June 2022.

Anonymised research material, e.g. reporting templates, will be kept indefinite.

Personal data defined above (See sections 4 and 5) will be kept for 24 months after their collection. All physical and electronic copies held by FRA and contractors will then be deleted.

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?

- | | |
|---|-------------------------------------|
| Document Management System (DMS) | <input checked="" type="checkbox"/> |
| FRA network shared drive | <input checked="" type="checkbox"/> |
| Outlook Folder(s) | <input checked="" type="checkbox"/> |
| CRM | <input type="checkbox"/> |
| Hardcopy file | <input checked="" type="checkbox"/> |
| Cloud (give details, e.g. cloud provider) | <input type="checkbox"/> |
| Servers of external provider | <input checked="" type="checkbox"/> |
| Other (please specify): | |

Security measures taken by FRA or the contractor(s):

The Agency applies FRA's standard safety measures in order to protect personal data from unauthorised access, use or disclosure. FRANET contractors ensure corresponding security measures. (For further information, please see section 14 of this record)

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?

FRA's Privacy Notice provides the following information:

- *Section 13 (a) and (b):*
The Agency/ Research and Data Unit can be contacted via e-mail to just_digit_secure@fra.europa.eu. FRA's Data Protection Officer (DPO) can additionally be reached at dpo@fra.europa.eu.
- *Section 11 para. 2: "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."*

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