

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

NAME OF PROCESSING OPERATION²:

Research Project on ‘GDPR – the experience of data protection authorities’

Reference number: DPR-2022-158
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Part 1 (Publicly available)

1) Controller(s) ³ of data processing operation (Article 31.1(a))
<p>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</p> <p>Organisational unit responsible⁴ for processing activity: Justice, Digital and Migration Unit Email: just_digit_secure@fra.europa.eu</p> <p>Data Protection Officer (DPO): Email: dpo@fra.europa.eu</p>

2) Who is actually conducting the processing? (Article 31.1(a)) ⁵
<p>The data is processed by FRA itself <input checked="" type="checkbox"/></p> <p>The interviews in the following Member States (Austria, France, Greece and Italy) are carried out by FRA.</p> <p>The data is processed also by a third party (contractor) as data processor <input checked="" type="checkbox"/></p>

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?

For the following countries, the interviews are carried out by 23 FRANET contractors through an existing framework contract awarded following a public procurement procedure.

Contact points:

Please refer to this [website](#) including further links to the 23 FRANET contractors involved (one in each of the following Member States: Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden)

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. The European Commission invited FRA to support the second evaluation of the GDPR by providing qualitative data on the experiences and challenges of national data protection authorities when implementing their tasks and mandate as defined in the GDPR. The GDPR prescribes that the Commission regularly evaluates and reviews the application of the GDPR. The first report was published in 2020, and the next evaluation report is due by mid-2024, starting with a first report after two years of application and every four years thereafter. The project will provide evidence-based advice on the experiences of data protection authorities (DPAs). It will support the European Commission's evaluation report on the implementation of the General Data Protection Regulation (GDPR). The project covers all 27 EU Member States. Data will be collected by FRA experts for four selected Member States (Austria, France, Greece and Italy) and the Agency's FRANET framework contractors for all other Member States, through a combination of desk and fieldwork research. The information provided during the interviews (i.e. not including personal data) will feed into the preparation of a report to be published in 2024. In order to carry out interviews with experts, their contact details and background information about their work and professional status needs 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: members, experts and staff from national data protection authorities (supervisory authorities))

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 (<i>name, surname</i>) | <input checked="" type="checkbox"/> |
| Contact details (<i>email address, telephone number</i>) | <input checked="" type="checkbox"/> |
| Education & Training details | <input type="checkbox"/> |
| Employment details (<i>position/function, work experience, opinions</i>) | <input checked="" type="checkbox"/> |
| Financial details (<i>e.g. financial identification form, bank account information</i>) | <input type="checkbox"/> |
| Family, lifestyle and social circumstances | <input type="checkbox"/> |
| Goods or services provided | <input type="checkbox"/> |

Other (please give details):

For accuracy and note taking purposes, interviews will be audio recorded

(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 type="checkbox"/> |
| Information regarding an individual's sex life or sexual orientation | <input type="checkbox"/> |
| N/A | <input type="checkbox"/> |

(c) Personal data relating to criminal convictions and offences (Article 11)

- | | |
|--|--------------------------|
| Criminal record (or similar, e.g. declaration of good conduct) | <input type="checkbox"/> |
|--|--------------------------|

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 | <input checked="" type="checkbox"/> |
|-------------------------------------|-------------------------------------|

Justice, Digital and Migration Unit/ Project team

The personal data are stored in an electronic database. Access to the database is restricted to authorised staff members in the Justice, Digital and Migration Unit who are dealing with the project.

Designated persons **outside** FRA:

For the 23 Member States, designated staff of the FRANET contractors mentioned under section 2 above working on the project

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

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.

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 processing operation will commence in June 2022 and is projected to end with the publication of FRA's final report in 2024.

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)

FRA network shared drive

Outlook Folder(s)

CRM

Hardcopy file

Cloud used by FRA

Servers of external provider

The data is stored in the EU and not transferred outside the EU.

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's Justice, Digital and Migration 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