

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

NAME OF PROCESSING OPERATION²: Privacy Notice COVID-19

Reference number: DPR-2020-103
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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 Organisational unit responsible⁴ for the processing activity: Corporate Services Contact details: <i>Constantinos Manolopoulos</i> : <i>Constantinos.Manolopoulos@fra.europa.eu</i> Data Protection Officer (DPO): dpo@fra.europa.eu</p>

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

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?

Contact point at external third party – FRA Medical Advisor
(medical.officer@fra.europa.eu)

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).

With the outbreak of the COVID-19, a number of measures have been introduced by the Austrian authorities to contain the spread of the virus. To limit transmission within FRA premises, all staff were asked to work from home until further notice. With the easing of restrictions by the Austrian authorities, FRA prepared an action plan for a gradual return to the office.

The Agency collects and uses your personal data in order to be able to do the necessary follow up and implement the mitigation measures to protect its staff during the COVID-19 pandemic crisis. This will help FRA verify the staff's fitness to work, according to the applicable legal and statutory obligations, and continue implementing policies to promote the staff's health and wellbeing.

The collected information will enable the Agency to implement procedures and policies to reduce the risk of infection in its premises, to protect the health of its staff, to provide the option of telework even after the Austrian government decides to lift the restriction measures and to provide adequate follow up.

In particular FRA:

- Will keep a list of participants of all the physical meetings taking place in the Agency's premises. This way if there is a suspected or confirmed case, the Agency will be able to inform those staff members that were in close contact with the case.
- Will require or provide the option to staff members, who are considered vulnerable due to their age or underlying health conditions, to continue teleworking during each phase of the gradual return to the office plan as described in the relevant guidelines.
- Will process personal data of staff who suspect that they are positive or are tested positive for COVID-19. In this case staff members are required to inform their (acting) Head of Unit (HoU), Presence and the FRA Medical Officer about the date of the appearance of the symptoms and the list of colleagues with whom they were in close contact with since the appearance of the symptoms.

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, date of birth)	<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): Number of the office and building floor of the staff member concerned

(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"/>

- Meetings where staff members have participated physically
- Medical status (actual or suspected COVID-19 symptoms)
- Results of a test when required
- Time of onset of COVID-19 symptoms

- List of close contacts within the Agency with the staff member concerned over a period to be determined on a case-by-case basis after appearance of the first symptoms

Time of recovery necessary for resuming work

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 (please specify which team and Unit)

Director, staff member's (acting) head of unit, Head of Unit Corporate Services, relevant staff from the Corporate Services Unit, and contact persons for positive cases.

Designated persons **outside** FRA: (please specify)

- the FRA medical officer

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

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.

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):

(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 above personal data are kept for a maximum period of 10 years as of the termination of employment or as of the last pension payment. This data will be retained in the medical file of the staff member.

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 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 type="checkbox"/> |
| Other (please specify): | |

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 dpo@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