

DATA PROTECTION NOTICE

Survey 'LGBTIQ Survey III'

The European Union Agency for Fundamental Rights (FRA or Agency) processes the personal data of a natural person in compliance with Regulation 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

This data protection notice explains FRA's policies and practices regarding its collection and use of your personal data and sets forth your privacy rights. We recognise that information privacy is an ongoing responsibility, and we will update this notice where necessary.

1. Why do we process personal data?

The purpose of the processing of the survey data is to provide the Agency with information concerning the opinions and experiences related to Fundamental Rights among persons aged 15 years and over, that self-identify as lesbian, gay, bisexual, intersex or queer (LGBTIQ) persons and who have been living in the [COUNTRY] for at least 12 months before the survey. Through this survey we collect anonymous information for statistical and research purposes in order to assess the situation and contribute to the improvement of the protection and respect of the LGBTIQ people's rights, promoting their non-discrimination and equality in society.

2. What kind of data do we collect?

The questions ask lesbian, gay, bisexual, trans, intersex or queer persons about their life experiences, discrimination, crime victimisation and other aspects of everyday life. In addition to these topics, the survey also includes questions about their sexual orientation, sexual behaviour and gender identity, their sense of safety and security, the services they use, as well as their health, their religion and country of birth.

The survey questions concern the categories of data indicated below. As the processing of the data is completely anonymous from the start of the survey, we do not collect any personal data that can identify the survey respondents. Anonymised data are not considered personal data falling under Regulation 2018/1725.

(a) General personal data:

- Personal details (country of birth, age)
- Education & Training details
- Employment details (e.g. work experience, languages, opinions)
- Family, lifestyle and social circumstances
- Other (please give details):
 - Respondent's answers to questions on bias-motivated harassment, violence, discrimination, rights awareness, trust in institutions

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- Paradata
- Cookies (technically necessary cookies)

(b) Special categories of personal data:

Respondents' answers to the questions of the survey might reveal special categories of data:

- data revealing racial or ethnic origin
- political opinions
- religious beliefs
- data concerning health or sexual orientation, gender identity & sex characteristics

3. How do we collect the survey data?

Data are collected via an online survey tool developed and hosted by the survey contractor at the URL lgbtigsurvey.eu. The survey tool is owned by the contractor and is located in servers within the EU. For the purpose of inviting you to participate in the survey, you might be contacted by organizations, groups, communities (if you are part of them) or other people who have heard of the survey or you see an advertisement for the survey elsewhere.

For the management and assessment of the data collection, the survey will also collect anonymous metadata and paradata such as information concerning the type of browser and device used to complete the online survey (PC, smartphone, tablet, etc.), the referrer site, and the time of submission.

We do NOT collect at any stage names, addresses, or IP addresses, therefore your participation in the survey is completely anonymised and nobody can identify you at any stage or link you to the responses we collect.

Some technically necessary cookies have to be used for security purposes, e.g. by services that block fraudulent responses to the survey or cyber-attacks to the survey's servers. These cookies do not store any personal or identifying information. You can delete these cookies after the submission of the questionnaire using the appropriate options of your browser.

4. Who is responsible for the processing of the data?

The European Union Agency for Fundamental Rights is the legal entity for the processing of the survey data and who determines the objective of this processing activity. The Head of the Equality Roma & Social Rights Unit is responsible for this processing operation.

The data collection (the survey) and data processing are being carried out by Agilis SA – Metron Analysis SA, an independent survey agency selected following public procurement procedure, on behalf of the European Union Agency for Fundamental Rights (FRA).

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5. Which is the legal basis for this processing operation?

Data collection through the survey is necessary for the performance of a task carried out in the public interest by Agency. Therefore, the processing is lawful under Article 5(a) of the Regulation (EU) No 2018/1725.

Moreover, the processing of special categories of personal data is lawful under Article 10.2.j) of the Regulation: the processing is necessary for scientific research purposes or statistical purposes based on Union law.

In addition, since participation in the survey is not mandatory, the processing of the personal data is also in accordance with Article 5.1(d) of Regulation (EU) No 2018/1725.

6. Who can see my data?

We do NOT collect any personal data that can identify you, such as names or addresses, at any stage. The anonymized data about your self-identification as L, G, B, T or I, your experiences and views can be accessed by the responsible head of the unit, delegated members of the project team, as well as contractors working for the Agency to manage data collection activities.

7. Do we share the survey data with other organisations?

Anonymous data may be shared with third parties (i.e., research centers) for research purposes to ensure that the research community can benefit from the collected data when examining how people's experiences and opinions differ across countries.

8. Do we intend to transfer your personal data to Third Countries/International Organizations

No personal data will be collected or transferred outside the EU.

9. When will we start the processing operation?

The Agency and its contractor will start the processing operation in June 2023. The anonymised dataset will be stored indefinitely for research and statistical purposes.

10. How long do we keep your data?

The Agency and its contractor will keep the personal data based on respondents' answers listed under section 2 until the end of the contract (December 2023). After this point the collected data will be anonymized i.e. any metadata that could possibly identify an individual will be deleted.

The anonymized dataset will be stored indefinitely for research purposes at the Agency and in data centers located within the EU.

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11. How can you control your data?

Under Regulation 2018/1725, you have rights we need to make you aware of. The rights available to you depend on our reason for processing your information. You are not required to pay any charges for exercising your rights except in cases where the requests are manifestly unfounded or excessive, in particular because of their repetitive character.

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.

You can exercise your rights described below by sending an email request to FRA-LGBTI-survey@fra.europa.eu or dpo@fra.europa.eu.

11.1 The value of your consent

Since your participation is not mandatory, we need proof that you consented to the processing of your personal data. Consent will be collected by you clicking on “next” on a designated page of the questionnaire, where you will be informed that by clicking “next” you are consenting in taking part in the survey. When completing the survey, you can also choose not to answer questions which you don’t want to answer. You have the right to withdraw your consent at any time, and we will delete your data or restrict its processing if technically possible. All processing operations up until the withdrawal of consent will still be lawful.

11.2. Your data protection rights

Under data protection law, you have a number of rights of which we need to make you aware. The rights available to you depend on our reason for processing your information.

a. Can you access your data?

You have the right to receive information on whether we process your personal data or not, the purposes of the processing, the categories of personal data concerned, any recipients to whom the personal data have been disclosed and their storage period. You can have access to such data, as well as obtain copies of your data undergoing processing.

b. Can you modify your data?

You have the right to ask us to rectify your data you think is inaccurate or incomplete at any time.

c. Can you restrict us from processing your data?

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You have the right to restrict the processing of your personal data. If you do, we can no longer process them, but we can still store them. In some exceptional cases, we will still be able to use them (e.g. with your consent or for legal claims). You have this right in a few different situations: when you contest the accuracy of your personal data, when the Agency no longer needs the data for completing its tasks, when the processing activity is unlawful, and finally, when you have exercised your right to object.

d. Can you delete your data?

You have the right to ask us to delete your data when the personal data are no longer necessary for the purposes for which they were collected, when you have withdrawn your consent or when the processing activity is unlawful. In certain occasions we will have to erase your data in order to comply with a legal obligation to which we are subject.

We will notify to each recipient to whom your personal data have been disclosed of any rectification or erasure of personal data or restriction of processing carried out in accordance with the above rights unless this proves impossible or involves disproportionate effort from our side.

e. Are you entitled to data portability?

Data portability is a right guaranteed under Regulation 1725/2018 and consists in the right to have your personal data transmitted to you or directly to another controller of your choice.

In this case, this does not apply for two reasons: I) in order for this right to be guaranteed, the processing should be based on automated means, however we do not base our processing on any automated means; II) this processing operation is carried out in the public interest, which is an exception to the right to data portability in the Regulation.

f. Do you have the right to object?

When the legal base of the processing is “*necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body*” which is the case in most of our processing operations, you have the right to object to the processing. In case you object, we have to stop the processing of your personal data, unless we demonstrate a compelling reason that can override your objection.

g. Do we do automated decision making, including profiling?

Your personal data will not be used for automated decision-making including profiling.

12. What security measures are taken to safeguard personal data?

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The Agency and its contractor have in place several security controls to protect the survey data from unauthorised access, use or disclosure. We keep the survey data stored on computer systems in a fully anonymised way with limited access to a specified audience only.

13. What can I do in the event of a problem?

- a) The first step is to notify the Agency by sending an email to FRA-LGBTI-survey@fra.europa.eu and ask us to take action.
- b) The second step, if you obtain no reply from us or if you are not satisfied with it, contact our data protection officer (DPO) at dpo@fra.europa.eu.
- c) At any time you can lodge a complaint with the EDPS at <http://www.edps.europa.eu>, who will examine your request and adopt the necessary measures.

14. How do we update our data protection notice?

We keep our data protection notice under regular review to make sure it is up to date and accurate.

END OF DOCUMENT