

## PRIVACY NOTICE

### [Handling of request for granting an exception on basis of nationality](#)

The European Union Agency for Fundamental Rights (FRA) 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 privacy 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.

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### 1. Why do we collect personal data?

We collect personal data in order to enable the Appointing Authority to assess requests for an exception from the UK staff members and reach a decision. For contract and temporary agents, Articles 47 and 119 CEOS (i.e. both for definite and indefinite contracts) provide that, in principle, employment is terminated if an agent no longer has the nationality of a Member State, unless an exception is authorized by the Appointing Authority. In this context, the purpose of the processing is to allow the Appointing Authority to assess whether to grant an exception to the nationality clause to the UK staff member pursuant to Articles 12(2) and 82(3) CEOS.

### 2. What kind of personal data does the Agency collect?

We collect general categories of personal data, such as identity, contact details, education and training information, employment details, and other information provided by the staff member in the context of this process.

### 3. How do we collect your personal data?

#### 3a. Information you provide us

You may provide us with information by filling the form and submitting it to the designated staff member in the Corporate Services (HR Team).

#### 3b. Information we collect about you

Information provided by you, Head of Unit and the Director in the form, as well existing information in personal file.

#### 3c. Information we receive from other sources

N/A

### 4. Who is responsible for the processing your personal data?

The Agency is the legal entity responsible for the processing of your personal data and determines the objective of this processing activity. The Head of Corporate Services is responsible for this processing operation.

You can contact our Data Protection Officer at : [dpo@fra.europa.eu](mailto:dpo@fra.europa.eu)

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

Processing personal data for requests an exception on basis of nationality is necessary for the management and functioning of the Agency. Therefore, the processing is lawful under Article 5(a) of the

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Regulation (EU) No 2018/1725. Additional legal basis is provided in Articles 47 and 119 CEOS, and Article 12(2) and 82(3) CEOS.

Processing personal data for requests for an exception on basis of nationality is necessary for compliance with a legal obligation of EU law to which the Agency is subject. Therefore, the processing is lawful under Article 5(b) of the Regulation (EU) No 2018/1725.

Processing personal data for requests for an exception on basis of nationality is also necessary for the performance of a contract with you, the data subject. Therefore, the processing is lawful under Article 5(c) of the Regulation (EU) No 2018/1725.

### **6. Who can see your data?**

During the process for requesting authorisation of exception, a restricted number of staff members, which are in charge of Human Resources/legal matters, can access your personal data. These includes Head of Corporate Services, designated member(s) in HR/Legal (including FRA's external legal counsel), your Head of Unit and the Director, who is in charge of the final decision.

### **7. Do we share your data with other organisations?**

Personal data is processed by the Agency only. In case that we need to share your data with third parties, you will be notified to whom your personal data has been shared with.

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

No.

### **9. When will we start the processing operation?**

We will start the processing operation on the date of receipt of the form filled by you i.e. from 2 December 2020.

### **10. How long do we keep your data?**

Documents related to authorisation of exception: 10 years as of the termination of employment or as of the last pension payment.

Keeping the documents related to authorisation of exception for 10 years after the termination of employment or as of the last pension, is needed for budgetary and audit purposes.

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### 11. How can you control your data?

You can access, modify or delete your personal data by sending an email request to [Constantinos.Manolopoulos@fra.europa.eu](mailto:Constantinos.Manolopoulos@fra.europa.eu).

#### 11.1. Your data protection rights

Under data protection law, you have rights subject to our reason for processing your information.

##### a. Can you access your data?

You have the right to receive confirmation whether or not we process your personal data. Furthermore, you can have access to such data, as well as obtain copies of your data undergoing processing, at any time and free of charge, by sending an email request to [Constantinos.Manolopoulos@fra.europa.eu](mailto:Constantinos.Manolopoulos@fra.europa.eu).

##### 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, based on call information, by sending an email request to [Constantinos.Manolopoulos@fra.europa.eu](mailto:Constantinos.Manolopoulos@fra.europa.eu).

##### c. Can you restrict us from processing your data?

You have the right to block the processing of your personal data at any time by sending an email request to [Constantinos.Manolopoulos@fra.europa.eu](mailto:Constantinos.Manolopoulos@fra.europa.eu) when you contest the accuracy of your personal data or when the Agency no longer needs the data for completing its tasks. You can also block the processing activity when the operation is unlawful, and you oppose to the erasure of the data.

##### d. Can you delete your data?

You have the right to ask us to delete your data at any time by sending an email request to [Constantinos.Manolopoulos@fra.europa.eu](mailto:Constantinos.Manolopoulos@fra.europa.eu) when the processing activity is unlawful.

##### e. Can you request the transfer of your data to a third party?

This only applies to information you have given us. You have the right to ask that we transfer the information you gave us from one organization to another, or give it to you. The right only applies if we are processing information based on your consent or under, or in talks about entering into a contract and the processing is automated.

##### f. Do you have the right to object?

Yes, you have the right to object at any time by sending an email request to [Constantinos.Manolopoulos@fra.europa.eu](mailto:Constantinos.Manolopoulos@fra.europa.eu) when you have legitimate reasons relating to your

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particular situation. Moreover, you will be informed before your information is disclosed for the first time to third parties, or before it is used on their behalf, for direct marketing purposes.

The Agency will address your requests within 15 working days from the receipt of the request.

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

No.

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

The Agency has several security controls in place to protect your personal data from unauthorised access, use or disclosure. We keep your data stored on computer systems with limited access to a specified audience only.

The electronic copy will be kept on specific drive at Agency's server to which only restricted access will be granted to Human Resources staff member(s) responsible for the procedure. The process will be launched using Outlook, thus for the duration of the process data will be stored in Outlook folder of the HR staff responsible. The hard copy will be stored in a secure file in the HR with strictly limited access.

### **13. What can you do in the event of a problem?**

a) The first step is to notify the Agency by sending an email to [Constantinos.Manolopoulos@fra.europa.eu](mailto:Constantinos.Manolopoulos@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](mailto: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 privacy notice?**

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

**END OF DOCUMENT**