

Human rights impact assessment and legal scrutiny of legislation in the EU'

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.

For more detailed information on the processing of your personal data in the context of FRA projects within FRANET framework contracts, please consult our FRANET [general Record of processing activities](#).

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1. Why do we process personal data?

The purpose of the processing of the personal data is to collect information and data for the purpose of a research project titled *'Human rights impact assessment and legal scrutiny of legislation in the EU'*.

The research intends to help EU Member States and FRA Observer Countries (Albania, North Macedonia and Serbia) in effectively assessing impacts on fundamental rights of legislation, as also envisaged in the [EU Strategy to strengthen the application of the Charter](#) (2020). The project builds upon FRA's previous work on the use of the EU Charter of Fundamental Rights in the EU Member States.

This project consists of desk research, consultations with relevant stakeholders and fieldwork research in the form of interviews with experts and key stakeholders. FRANET¹ contractors will carry out the interviews in Croatia, Cyprus, Denmark, Estonia, Finland, France, Greece, Netherlands, and North Macedonia (Service Request 37). FRA will carry out the interviews in Germany, Ireland, and Slovenia. The information from the interviews will feed into the preparation of a written publication in 2025.

The objective of the expert interviews is to complement the data gathered through the national liaison officers and consultations and provide FRA with primary country specific data on fundamental rights implications, gaps, challenges and promising practices in human rights impact assessments at national level.

Data will be collected only from the interviewed experts and other stakeholders. The fieldwork will involve interviews with experts from diverse organisations (ministries, parliaments, governmental/parliamentary legal services, regional/municipal authorities, other authorities).

The interviews may take place in-person or remotely, using a semi-structured questionnaire.

Participation is voluntary. Interviewees can discontinue their participation at any time or refuse to answer any question without consequence of any kind and without giving a reason.

2. What kind of personal data does the Agency process?

We will collect only the following personal data necessary for the processing operation described above.

(a) General personal data:

- Personal details (name, surname).
- Contact details (email address, phone number)
- Employment details (position/function, organisation, work experience, opinions)

¹ FRANET contractors covering all EU Member States have been selected by FRA following a public procurement procedure to provide data collection and research services on fundamental rights issues.

➤ Other:

- If the interviews with the relevant persons take place online, IP addresses, cookies, metadata or information about participants' devices might be collected by the online tools used to carry out the interview.
- As the interviews will be video and/or audio recorded (upon consent) for accuracy and note-taking purposes, voice and/or image of the participant will be processed.

(b) Special categories of personal data:

Although there is no intent to process special categories of personal data for the abovementioned purposes, there is a possibility that the data indicated below may be incidentally revealed during the interviews (through the image showed during online interviews): data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic data, biometric data, data concerning health, information regarding an individual's sexual orientation.

3. How do we collect and process your personal data?

3a. Information you provide us:

We collect your personal data mentioned above directly from you through the consent form that will be provided to you before the interview, and during the interview, which will be conducted by FRA or its selected FRANET contractors through digital channels (e.g. video call) or face-to-face, in the countries covered by the research (see Section 1 above). For accuracy and note taking purposes, interviews will be audio- and/or video-recorded upon your consent. Interviewees will enjoy anonymity; FRA will not include any names in the final report. All recordings will be destroyed as indicated in section 10 below. Moreover, at any point during the interview, interviewees can indicate that they do not wish to be recorded.

3b. Information we collect about you:

Your IP address, connection details, cookies, and/or device information might be collected if the interviews take place online, as indicated in Section 2 above. In this context, FRANET contractors will inform interviewees before the interview takes place about which online conferencing tool they will use for the interview and to provide a link to the tool's website where the tool's data protection policy can be found. IT servers used by FRANET contractors to collect and process the data are located within the EU. FRA will use [MS Teams](#) to conduct online interviews.

3c. Information we receive from other sources:

FRANET contractors and FRA may undertake research and find the contact details of the persons to be interviewed, national government and parliamentary bodies, national human rights bodies or other organisations and authorities of the respective EU Member State or FRA Observer Country. FRANET contractors could also get contact details via their own professional networks (subject to receiving consent for sharing their contact details with the FRANET contractors).

4. Who is responsible for 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 the Institutional Cooperation and Networks Unit is responsible for this processing operation.

The selected [FRANET contractors](#) from Croatia, Cyprus, Denmark, Estonia, Finland, Greece, France, the Netherlands, North Macedonia will act as FRA's data processors and will collect the data on behalf of FRA as specified under section 3 above.

FRA will act as controller and processor for interviews carried out in Germany, Ireland and Slovenia.

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

The processing operation is necessary to achieve the Agency's goal, as stated in Article 2 of its founding Regulation (EC) No 168/2007, amended by Council Regulation (EU) 2022/555 (FRA's founding regulation), to provide its stakeholders, including Union institutions and EU Member States, with assistance and expertise relating to fundamental rights, including its tasks described in Article 4(1)(a), (c) and (d).

Therefore, the processing is lawful under Article 5(1)(a) of the Regulation (EU) No 2018/1725.

In addition, since the participation in the interviews is not mandatory, we will request your consent to participate and to the audio and/or video recording of the interviews as well as for the transcription of the recordings, when applicable, for accuracy and quality control purposes. Your explicit consent will also be asked for the processing of special categories of personal data that may incidentally be revealed during the interview.

Therefore, the processing of the personal data is also in accordance with Article 5(1)(d) of Regulation (EU) No 2018/1725.

Moreover, the incidental processing of special categories of personal data as indicated in Section 2 above is lawful under Article 10(2)(a) of Regulation 2018/1725, as explicit consent will be given by the data subjects in the consent form.

6. Who can see your data?

Your data can be accessed by the designated staff of the FRANET contractors carrying out the interviews. Furthermore, the data can be accessed by staff members of FRA's Institutional Cooperation and Networks Unit and FRA staff working on that project. Access is restricted to authorized staff members and only these members have access rights to open the files.

FRANET contractors are bound by specific contractual clauses for any processing operations on behalf of FRA, and by the confidentiality obligations deriving from Regulation (EU) 2018/1725).

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.

[OR, IF APPLICABLE, TO BE ADDED OR REMOVED BY THE RESPECTIVE FRANET CONTRACTOR:
The online tool *[to be completed]* used to carry out the interviews is from a US based company, therefore it cannot be completely discarded that limited personal data are transferred to the US. Such transfer, if any, will fall under the adequacy decision for the [EU-US Data Privacy Framework adopted by the European Commission on 10 July 2023](#)].

In case of online interviews carried out by FRA, FRA will use Microsoft Teams, which is a US based company, therefore it cannot be completely discarded that limited personal data are transferred to the US. Such transfer, if any, will fall under the adequacy decision for the [EU-US Data Privacy Framework adopted by the European Commission on 10 July 2023](#). For further information, please refer to FRA's [data protection notice for the use of Microsoft Office 365](#).

9. When will we start the processing operation?

We will start the processing operation in October 2024.

10. How long do we keep your data?

The personal data referred to in section 2 above, as well as the consent forms, will be kept for 24 months after the final date of implementation of the project (estimated December 2025). All data held by FRA and contractors including recordings will then be deleted after that period.

Anonymised research material, e.g. transcripts, progress reports, will be kept indefinitely.

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, considering the complexity and number of the requests.

You can exercise your rights described below by sending an email request to: charter@fra.europa.eu.

11.1. Do we need your consent?

Since your participation in the interviews is not mandatory, we need proof that you consented to participate in the interview as well as to the audio and/or video recording (and, when applicable, to the transcription of the interview) and to the incidental processing of special categories of personal data. Consent will be collected via a separate consent form or via audio/video recording consent.

You have the right to withdraw your consent at any time, and we will either delete your data or restrict or stop its processing. All processing operations up until the withdrawal of consent will still be lawful.

11.2. Your data protection rights

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. Furthermore, 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?

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 request to have your data deleted?

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 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) 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 your personal data?

The Agency, as well as the selected FRANET contractors acting on its behalf as processors within this processing operation, have several security controls in place to protect your personal data from unauthorised access, use or disclosure. We keep your data stored on our internal servers with limited access to a specified audience only.

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

a) Data subjects can reach out directly to the Agency by sending an email to charter@fra.europa.eu and ask us to take action.

b) If you obtain no reply from the Agency 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.

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