

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

NAME OF PROCESSING OPERATION²: Use of LimeSurvey by FRA.

Reference number: DPR-2024-227 (to be completed by the DPO)
Creation date of this record: 31 October 2024
Last update of this record: 31 October 2024
Version: 1

Part 1 (Publicly available)

1) Controller(s)³ of data processing operation (Article 31(1)(a))
Controller: European Union Agency for Fundamental Rights (FRA) Schwarzenbergplatz 11, A-1040 Vienna, Austria Telephone: +43 1 580 30 – 0 Email: contact@fra.europa.eu Organisational unit responsible⁴ for the processing activity: All FRA Units. Depending on which unit is responsible for the respective processing activity, information will be provided at the beginning of the survey/questionnaire/registration form Contact details: contact@fra.europa.eu Data Protection Officer (DPO): dpo@fra.europa.eu

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 (contractor) [mention the third party] <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?

The following third parties might be involved as processors:

The LimeSurvey software is stored in the SQL database hosted in the servers of the Agency's web hosting contractor Managing Innovation Strategies, SLL (MainStrat) in consortium with SARENET, S.A.U, located in Spain.

Moreover, FRA's web development contractor Eworx S.A. (Greece) may be also involved in the processing.

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).

To carry out its tasks, the Agency makes use of LimeSurvey for different purposes, for example:

- to conduct internal surveys within the different units on activities related to the unit, surveys amongst staff members to consult them on HR or other relevant matters, organised by HR or by the Staff Committee;
- to conduct external surveys, for example consultations among EU institutions, bodies and agencies, FRA networks (national liaison officers, Fundamental Rights Platform, Scientific Committee), national stakeholders (e.g. ministries, national human rights bodies, civil society) and other relevant stakeholders (including stakeholders at sub-national level);
- to manage the registration of participants to events and meetings organised by the Agency, in which cases, a registration form is prepared using LimeSurvey.

In other cases, LimeSurvey might also be used in the context of FRA research projects when the collection of personal data/personal experiences from respondents is not envisaged or in the context of FRANET contracts, when the feedback or contributions of FRANET contractors is collected via questionnaires prepared by FRA using LimeSurvey.

The purposes listed above might not be exhaustive. Should FRA decide to use LimeSurvey for additional and/or different purposes than those identified above, the respective controller will assess the need to update this record or to prepare a separate record or processing for the specific purpose.

The Agency uses the LimeSurvey software according to the terms set out in a licence agreement. The data collected via LimeSurvey is stored in the SQL database hosted in the servers of the Agency's web hosting contractor.

The surveys are generally anonymous, for example staff well-being surveys and anonymous satisfaction surveys related to events, meetings, forums, webinars, information sessions, workshops, conferences organised or co-organised by the Agency, etc.

Under certain circumstances, it is necessary for the Agency to know the identity of the person responding, like for instance in the registration of participants to a meeting or when follow-up actions are necessary. In those cases, the contact details and other personal data of the respondent might also be collected via the respective questionnaire or survey questions.

In any case, surveys are always managed confidentially, even when they are not anonymous.

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 (third party participants) | <input checked="" 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

Depending on the case, the following personal data might be collected for the purposes specified in section 3, if requested in the survey questionnaire or registration form:

- | | |
|--|-------------------------------------|
| Personal details (name, surname, date of birth, gender, nationality) | <input checked="" type="checkbox"/> |
| Employment details (profession, title or function, employer) | <input checked="" type="checkbox"/> |
| Contact details (address, email address, telephone number) | <input checked="" type="checkbox"/> |
| Family, lifestyle and social circumstances | <input checked="" type="checkbox"/> |
| Other (please give details): | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> - IP addresses (if IP tracking is enabled for the survey), cookies (technically necessary cookies and security cookies), metadata (timestamp of the answers if enabled for a survey). - Survey answers. | |

(b) Special categories of personal data (Article 10)

In some cases, limited special categories of personal data may be collected intentionally from participants via the responses to the survey questions or reveal racial or ethnic origin or religious beliefs (for example, if dietary requirements of a participant to a face-to-face meeting are asked in the registration form to organise the catering of the meeting).

In other cases, the responses of participants might reveal any of the special categories of data mentioned below, even if not specifically asked about them in the survey questions.

In any other case, if FRA intends to use LimeSurvey to collect special categories of data, data subjects will be informed accordingly by means of a separate and specific data protection notice.

Racial or ethnic origin	<input checked="" type="checkbox"/>
Political opinions	<input checked="" type="checkbox"/>
Religious or philosophical beliefs	<input checked="" type="checkbox"/>
Trade union membership	<input checked="" type="checkbox"/>
Data concerning health	<input checked="" type="checkbox"/>
Information regarding an individual's sex life or sexual orientation	<input checked="" 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	<input type="checkbox"/>

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

This include the Agency's staff responsible to conduct the surveys and/or staff members who are administrators of the LimeSurvey tool.

Recipients **outside** FRA:

Eworx S.A. (Greece)

Eworx acts as an external web development contractor. Some of their employees might have access to the metadata of the surveys' respondents, as well as to the answers to said surveys. Eworx is bound by specific contractual clauses for any processing operations on behalf of FRA, in accordance with Regulation (EU) 2018/1725.

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 based on 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

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.

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 data retention period varies according to the purpose for which the data is collected. For example, for surveys which are not carried out anonymously, the personal data collected will only be kept for the minimum time required to complete the purpose of the survey. In the case of registration forms to events, the personal data collected will be kept only until the end of the event or follow-up activities, if any, or as indicated in the respective data protection notice of the specific event.

For surveys carried out anonymously, responses will be kept the minimum time required to carry out the survey analysis, as indicated at the beginning of the survey or in the specific data protection notice, if any. In general, information is kept for six months after the survey closes, unless otherwise indicated.

If IP addresses are saved for a particular survey, they are treated as part of the responses and the same conditions apply. Technically necessary cookies expire after 24 hours. If a cookie to prevent repeat responses is set, this expires after 1 year.

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 (MS 365)

Servers of external provider

Other (please specify): The LimeSurvey software is hosted in the servers of FRA's webhosting contractor, which, in accordance with the data protection clauses included in the contract signed with FRA, has in place technical and security measures as required under Regulation (EU) 2018/1725.

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 Data Protection notice: e-mail to contact@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

Part 2 – Compliance check and risk screening (internal)

11) Lawfulness of the processing (Article 5(a)–(e))⁷: Processing necessary for:
Mention the legal basis which justifies the processing and assess that the purposes specified are purposes specified, explicit, legitimate.

⁷ Tick (at least) one and explain why the processing is necessary for it. Examples:

(a) a task attributed to your EUI by legislation, e.g. procedures under the staff regulations or tasks assigned by an Agency's founding regulation. Please mention the specific legal basis (e.g. "Staff Regulations Article X, as implemented by EUI IR Article Y", instead of just "Staff Regulations").

(a2) not all processing operations required for the functioning of the EUIs are explicitly mandated by legislation; recital 17 explains that they are nonetheless covered here, e.g. internal staff directory, access control.

(b) a specific legal obligation to process personal data, e.g. obligation to publish declarations of interest in an EU agency's founding regulation.

(c) this is rarely used by the EUIs.

(d) if persons have given free and informed consent, e.g. a photo booth on EU open day, optional publication of photos in internal directory.

(e) e.g. processing of health information by first responders after an accident when the person cannot consent.