

Fieldwork of the project 'Fundamental rights implications of accessing digital data for criminal investigations'

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.

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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 a research project titled “Fundamental rights implications of accessing digital data for criminal investigations”.

This project is intended to provide FRA with research evidence that could support the ongoing discussions at the EU and national levels about access to digital data for criminal investigations, focusing in particular on workarounds available to law enforcement to access data from encrypted devices and communications. Among others, it should inform the preparation of the Technology Roadmap on Encryption, envisaged by the European Commission in the [ProtectEU Internal Security Strategy](#) for 2026.

The project consists of fieldwork accompanied by additional desk research. The fieldwork will involve interviews with practitioners involved in the use of encryption workarounds and other experts with particular experience in this field, with particular focus on the fundamental rights impact of existing and potential future workarounds. Interviewees will represent law enforcement, public prosecutors and judges in selected Member States; defence lawyers, legal, technical and civil society experts; as well as representatives of service providers targeted by law enforcement requests and companies providing decryption and related services.

All interviews (online and face-to-face) will be conducted directly by FRA staff.

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)
- Family, lifestyle and social circumstances (this type of personal data might be incidentally revealed by the responses given during the interviews and/or by the image if the interviews are carried out online and videorecorded).

- 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 Teams or Webex used to carry out the interviews.
 - As the interviews will be video and/or audio recorded and, for those interviews taking place online, automatically transcribed (upon consent) for accuracy and note-taking purposes, voice and/or image of the participant may be processed.
- (b) Special categories of personal data may be incidentally revealed during the interviews (both by the responses of participants and 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 interviews using a semi-structured questionnaire, which will be conducted by FRA staff face-to-face or through the online conferencing tools mentioned in section 2 above. Exceptionally, if the interviewees cannot use any of those tools, we will consider using another tool they propose, which will be agreed individually before the interview takes place.

For accuracy and note taking purposes, interviews will be audio- and/or video-recorded upon your consent. Interviews taking place online will also be automatically transcribed using the AI powered features embedded in Teams or Webex, upon your consent. More information on those AI features in [Teams](#) and [Webex](#) can be found under the respective links. FRA has signed contractual agreements with Microsoft and Webex which grant an additional level of data protection (see the respective data protection notices of [Teams](#) and [Webex](#)).

If you do not consent to the recording, the interviewer will take notes. Your name and organisation will not appear in the final report and all recordings will be destroyed as indicated in section 10 below. Therefore, it will not be possible to identify you. Moreover, at any point during the interview, you can indicate that you 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 via Microsoft Teams or Webex or by any other tool which might be exceptionally used at your request should you be prevented from using Teams or Webex.

3c. Information we receive from other sources

To identify the contact details of the persons to be interviewed, we will use information gathered through authorities of the respective EU Member State or other organisations or entities, professional networks and by searching for publicly available information.

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. Within the Agency, the Head of the Justice, Digital and Migration Unit is responsible for this processing operation.

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

The processing operation is carried out in the public interest and it is necessary to achieve the Agency's objective, 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). The project is also included in FRA's Single Programming Document 2025 – 2027 Fiche B.1.6, available [here](#).

Therefore, the processing is lawful under Article 5.1.(a) of the Regulation (EU) No 2018/1725.

In addition, since the participation in the above-mentioned interviews is not mandatory, we will request your consent to participate by means of a consent form, to the audio and/or video recording of the interviews (and the automatic transcription of interviews online), for accuracy and quality control purposes.

Therefore, the processing of personal data is also in accordance with Article 5.1.(d) of Regulation (EU) No 2018/1725.

The incidental processing of special categories of data (e.g. video revealing racial/ethnic origin) is lawful under Article 10(2)(a) of Regulation 2018/1725. Explicit consent will be requested in the consent form.

6. Who can see your data?

Your data can be accessed by staff members of FRA's Justice, Digital and Migration Unit and FRA staff working on that project. Access is restricted to authorised staff members and only these members have access rights to open the files.

In addition, for interviews taking place online, limited personal data may also be processed by Microsoft or CISCO Webex as mentioned in section 2.

7. Do we share your data with other organisations?

Personal data is processed by the Agency (and its processors) 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.

However, in case of online interviews, since the online tools MS Teams and Webex are from US based companies, 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](#).

Furthermore, FRA is part of Microsoft ILA 2025 Data Protection Terms signed between the European Commission and Microsoft which includes a set of improvements specific to the data protection safeguards in place for M365. Personal data stored and processed by M365 within the EU and EFTA regions (EU Data Boundary). Transfers of personal data for M365 outside the EU or EFTA got strictly limited to specific purposes such as security, resiliency, and customer-initiated actions. Any (residual) transfers to non-adequate jurisdictions are limited to a small number of countries. All transfers must follow documented instructions.

For more information concerning CISCO Webex, please consult section 8 of the data protection notice [here](#).

9. When will we start the processing operation?

We will start the processing operation in December 2025.

10. How long do we keep your data?

The personal data referred to in section 2 above, as well as the consent forms and audio/video recordings of the consent, will be kept for 18 months after the finalization of the fieldwork phase of the project (i.e., until 31 May 2027), to be able to use the data when drafting the report. All data held by FRA will then be deleted. Anonymised research material, e.g. reporting templates, 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, taking into account the complexity and number of the requests.

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

11.1. Do we need your consent?

Since your participation is not mandatory, we need proof that you consented to participate in the interview as well as to the audio and/or video recording, the automatic 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 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 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 our internal servers with limited access to a specified audience only.

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 justice_security@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.

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