

### **Research Project on “Presumption of Innocence: procedural rights in criminal proceedings”**

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 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.

1. **Why do we collect personal data?**
2. **What kind of personal data does the Agency collect?**
3. **How do we collect your personal data?**
4. **Who is responsible for the processing your personal data?**
5. **Which is the legal basis for this processing operation?**
6. **Who can see your data**
7. **Do we share your data with other organisations?**
8. **Do we intend to transfer your personal data to Third Countries/International Organizations**
9. **When will we start the processing operation?**
10. **How long do we keep your data?**
11. **How can you control your data?**
  - 11.1. **The value of your consent**
  - 11.2. **Your data protection rights**
12. **What security measure are taken to safeguard your personal data?**
13. **What can you do in the event of a problem?**
14. **How do we update our privacy notice?**

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

The purpose of the processing of the personal data is to collect information and data for the purpose of a research project. The European Commission requested an evidence based advice in the context of their implementation report (Article 12 of Directive 2016/343/EU). The project will explore and identify the relevant aspects of the right to be presumed innocent until proven guilty as procedural right in the criminal proceedings. The objective of the project is to advise the EU institutions and EU Member States on the specific criminal procedural rights. It will look at the [Directive 2016/343/EU](#) and its implementation in the Member States. The project consists of a desk research, case studies and social fieldwork research in form of 12 interviews per country. The information from the interviews will feed into the preparation of a report to be published in 2021.

In order to carry out interviews with experts and staff at public administration (including police officers), their contact details and background information about their work and professional status needs to be collected.

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

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, telephone)
- Employment details (position/function, work experience, opinions)

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

We collect your personal data through the consent form that will be provided to you before the interview.

### 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 Research & Data Unit is responsible for this processing operation.

### 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 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) and is therefore lawful under Article 5(a) of the Regulation (EU) No 2018/1725.

6. **In addition, since the participation in the interviews is not mandatory, the processing of the personal data is also in accordance with Article 5(d) of Regulation (EU) No 2018/1725. Who can see your data?**

The data will be processed by the contractors carrying out the interviews. Furthermore, the data can be accessed by staff members of the Research and Data Unit working on that project. Access is restricted to authorized staff members and only these members have access rights to open the files.

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

No, 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 we will start the processing operation?**

We will start the processing operation in February 2020.

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

Indefinite for anonymised research material, which is the reporting templates. Personal data defined above will be kept for 24 months.

**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 [just\\_digital\\_secure@fra.europa.eu](mailto:just_digital_secure@fra.europa.eu).

**11.1. How valuable is your consent for us?**

Since your participation is not mandatory, we need proof that you consented to the processing of your personal data. Consent will be collected through a consent form provided to you. You have the right to

withdraw your consent at any time, and we will delete your data or restrict 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 block the processing of your personal data 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 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. 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 organisation to another, or give it to you. The right only applies if we are processing information based on your consent or for the performance of a contract or for entering into a contract and the processing is automated.

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

Yes, you have the right to object when you have legitimate reasons relating to your 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.

#### 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 specified persons 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 [just\\_digital\\_secure@fra.europa.eu](mailto:just_digital_secure@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.

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