

Use of Microsoft Office 365 (M365)

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.

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1. Why do we collect personal data?

The processed personal data is required for the introduction and implementation of the Microsoft Office 365 to the Agency's staff. This is aligned with the Agency's Digital Services strategy as well as the cloud strategy which follow the corresponding Commission's Digital and Cloud Strategies.

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

The Agency processes your personal data to enable digital collaboration platforms in the context of the digital services and cloud transformation services for Agency staff.

The processing activity refers to the pilot phases of introducing Microsoft Office 365 (M365) services offered by the Agency to its Staff. Usage during these introductory phases is limited to certain functions and operations, for instance the use of a limited set of applications and prohibiting the use of the service in relation to classified information.

The cloud-based platform [Microsoft Office 365](#) provides solutions for secure external collaboration. FRA has contracted with Microsoft to provide cloud solutions for its staff and users. This is done via an inter-institutional framework contract whose conditions were negotiated by DIGIT on behalf of all EUIs.

Microsoft acts as data processor for the provision of services related to the Microsoft Office 365 cloud-based collaboration platform, as well as to operate the following business operations:

- Billing and Account Management
- Compensation
- Resource Planning, Internal Reporting and Business Modelling
- Combatting fraud, Cybercrime, and Cyberattacks
- Improving Core Functionality of Accessibility, Privacy and Energy Efficiency
- Mandatory Financial Reporting and Compliance with Legal Obligations

Microsoft's contact details are available in Section 13 below.

In order to carry out this processing operation FRA collects the following categories of personal data:

- Identification data (e.g. name, title, address, IP address, cookies, connection data)
- Personal characteristics (e.g. gender) (optional)
- User patterns (e.g. media utilization and methods of communication)
- Professional data (e.g. current function, employer, current responsibilities)
- Content data (any content generated and controlled by users)
- Multimedia (image recording, sound recording of e.g. support conversations)
- Log data* (processed by Microsoft to keep the platform secure and up to date, to detect, diagnose and fix problems, and make product improvements)
- Other categories of data (any other data related to the above-mentioned purposes)

* No diagnostic log data about Office client software running on users' devices is collected and sent to Microsoft. Nevertheless, FRA collects Office Diagnostic Data in a database on premise for its own

support purposes. Microsoft automatically collects log files generated in the cloud by using Office 365 Online Services. FRA extracts a copy of these log files from the cloud, for example in the context of security operations.

FRA and Microsoft **do not process special categories** of personal data in the context of Office 365. Nevertheless, the end-users and may use Office365 as a means for processing special categories of personal data in the context of specific policies. At least during the introductory phase this usage is not foreseen.

3. How do we collect your personal data?

3a. Information you provide us: This includes personal information like name, address, title provided by you to FRA.

3b. Information we collect about you: This include data that are being collected through the use of the M365 (logs, etc.) as described under section 2.

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 Corporate Services Unit is responsible for this processing operation.

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

The Agency needs to run Microsoft Office 365 products in order to carry out its mandate as described in its Founding Regulation (Regulation 168/2007). All personal data connected to the use of Microsoft Office 365 are processed based on the necessity for the performance of the tasks carried out in the public interest by the Agency on the basis of the Founding Regulation, including the processing of personal data that are necessary for the management and functioning of the Agency. More specifically, the objective of all processing activities related to Microsoft Office 365 is to support the management and the functioning of the Agency, by adjusting the internal mechanisms and management systems to the new technological environment and advancements, by providing to Agency Staff the necessary means and tools to perform their daily tasks and by organizing the Agency's operations according to the principles of sound financial management. Article 33 of the Regulation 2018/1046 of the European Parliament and of the council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012.

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The digital transformation of the Agency is in line with the Agency's Digital Strategy and Cloud Strategy 2019-2021. These actions will be guided by policies on digital affairs based on the ones produced by the EC and based on the following existing items:

- Digital Strategy and Cloud Strategy
- IT-security and information-security strategies of the EC, where applicable to the Agency;

These actions will also use, extend and develop the Agency's: (i) existing portfolio of policy and information systems, (ii) digital services and (iii) current digital infrastructure.

The deployment of Microsoft Office 365 cloud services is the implementation of the Agency related cloud strategy.

Microsoft, as a data processor, can rely on this legal ground when processing data.

6. Who can see your data?

Access to your personal data is provided to the Agency staff responsible for carrying out this processing operation and to authorised staff according to the "need to know" principle. Such staff abide by statutory, and when required, additional confidentiality agreements. Those members of staff include appointed Corporate Services unit staff and if needed contractors acting under the supervision of the above-mentioned DSF staff. The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

For services related to the Microsoft Office 365 cloud-based collaboration platform, Microsoft acts as data processor. Contact details: Microsoft Ireland, South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, Ireland.

7. Do we share your data with other organisations?

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

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

Only diagnostic data (see under 2) covered by contractual rules may be sent to Microsoft in the United States.

9. When we will start the processing operation?

We will start the processing operation once your account profile is created on Microsoft's platform.

10. How long do we keep your data?

The Agency only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing. The Agency maintains data for as long as the user account is activated or if users have not decided to remove or delete personal data from their account. Log data will be kept for up to 6 months.

Microsoft as a processor for Office 365 services may retain data for Online Services upon expiration of the subscription, i.e. during the 90-day retention period and subsequent period, up to an additional 90 days.

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 it.helpdesk@fra.europa.eu which will forward your request to the data controller.

11.1. How valuable is your consent for us?

Since the participation in the use of Microsoft office 365 is mandatory in accordance with the Agency abovementioned cloud strategy, you are not required to provide your consent.

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 under specific legitimate grounds.

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.

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

Not applicable

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

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored either on the servers of the Agency's Data Centre or in Microsoft datacentres in the EU (linked to the Agency's and Commission's Office 365 environment). All processing operations are carried out pursuant to the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission. In addition the Agency's ICT Security and data management policy applies.

In order to protect your personal data, the Commission (who represented the Agency in the negotiations with Microsoft) has put in place several strong contractual safeguards, complemented by technical and organisational measures. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

The Agency is actively configuring customer data location (at rest) of its Office 365 services. The online services the Agency will use are offered from data centres in EU Member States, respectively Ireland, the Netherlands, Austria or Finland. No content data will be stored outside the EU territory.

Any log files generated by using Microsoft Office 365 Online services can be analysed in the US, and while Commission (and hence the Agency) cannot technically avoid this, strong contractual safeguards apply to this data. Any data in transit is protected by strong encryption.

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The Commission (who represented the Agency in the negotiations with Microsoft) has taken legal and technical measures to protect personal data that are transferred outside the EU/EEA according to Chapter V of Regulation 2018/1725.

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 it.helpdesk@fra.europa.eu and ask us to take action. This request will be provided to the data controller for further actions.

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 privacy notice?

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

15. Where to find more detailed information?

The Agency's Data Protection Officer (DPO) publishes the register of all processing operations on personal data which have been documented and notified to him. You may access the register via the following link: <http://fra.intranet/PoliciesAndProcesses/Dataprotection/Wiki%20Pages/Library.aspx>

This specific processing operation has been included in the DPO's register with the following Record reference: DPR-2020-108

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