

[Covid-19 - Gradual return to the office](#)

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 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. [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?

With the outbreak of the COVID-19, a number of measures have been introduced by the Austrian authorities to contain the spread of the virus. To limit transmission within FRA premises, all staff were asked to work from home until further notice. With the easing of restrictions by the Austrian authorities, FRA prepared an action plan for a gradual return to the office.

The Agency collects and uses your personal data in order to be able to do the necessary follow up and implement the mitigation measures to protect its staff during the COVID-19 pandemic crisis. This will help FRA verify the staff's fitness to work, according to the applicable legal and statutory obligations, and continue implementing policies to promote the staff's health and wellbeing.

The collected information will enable the Agency to implement procedures and policies to reduce the risk of infection in its premises, to protect the health of its staff, to provide the option of telework even after the Austrian government decides to lift the restriction measures and to provide adequate follow up.

In particular FRA:

- Will keep a list of participants of all the physical meetings taking place in the Agency's premises. This way if there is a suspected or confirmed case, the Agency will be able to inform those staff members that were in close contact with the case.
- Will require or provide the option to staff members, who are considered vulnerable due to their age or underlying health conditions, to continue teleworking during each phase of the gradual return to the office plan as described in the relevant guidelines.
- Will process personal data of staff who suspect that they are positive or are tested positive for COVID-19. In this case staff members are required to inform their (acting) Head of Unit (HoU), Presence and the FRA Medical Officer about the date of the appearance of the symptoms and the list of colleagues with whom they were in close contact with since the appearance of the symptoms.

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.

- Personal details (name, surname, age)
- Contact details (email address, mobile number)
- Meetings where staff members have participated physically
- Medical status (actual or suspected COVID-19 symptoms)
- Results of a test when required
- Time of onset of COVID-19 symptoms

- List of close contacts within the Agency with the staff member concerned over a period to be determined on a case-by-case basis after appearance of the first symptoms
- Number of the office and building floor of the staff member concerned
- Time of recovery necessary for resuming work

3. How do we collect your personal data?

We collect the above personal data during your communication by email or phone with the (acting) head of unit, the FRA Medical Officer and the relevant human resources staff.

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?

This processing is necessary for the management and functioning of the Agency and in particular Articles 1(e) and 59 (1) of the Staff Regulations and Article 16 of the CEOS. Therefore, the processing is lawful under Article 5(a) of the Regulation (EU) No 2018/1725.

Furthermore processing of the above health data is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health according to Article 10 (2) (b) of the Regulation 2018/1725.

6. Who can see your data?

Only the Director, the staff member's (acting) head of unit, the Head of the Corporate Services Unit, the FRA Medical Officer and relevant Corporate services staff will have access to the above data.

However, if the staff member tests positive for Covid 19, the staff member will be asked in advance and provided with the Covid 19 consent form, whether their personal data can be shared with colleagues with whom they were in close contact with at the Agency, if necessary.

7. Do we share your data with other organisations?

Personal data is processed by the Agency only. Staff members who are a suspected or confirmed case -and not the Agency- are responsible for notifying the relevant Austrian health authorities.

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 June 2020.

10. How long do we keep your data?

The above personal data are kept for a maximum period of 10 years as of the termination of employment or as of the last pension payment.

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 the FRA Data Protection Officer at <dpo@fra.europa.eu> .

11.1. 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 pr 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.

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 yoerformance of a contract or for entering into a contract and the processing is automated.

e. 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.

f. 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. The medical files are kept in a locked cabinet, and access to the presence and other relevant mailboxes is password-protected. 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 HR@fra.europa.eu and ask us to take action.

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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.

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