

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

NAME OF PROCESSING OPERATION²:

Consultation with local authorities and identification of resource persons to be invited to respond to a future online survey for the project “Local/city measures ensuring access to selected rights for temporary protection beneficiaries”

Reference number: DPO-2022-173
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Part 1 (Publicly available)

1) Controller(s)³ of data processing operation (Article 31.1(a))
<p>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: Equality, Roma and Social Rights unit Contact details: TPDlocalauthorities@fra.europa.eu Data Protection Officer (DPO): dpo@fra.europa.eu</p>

2) Who is actually conducting the processing? (Article 31.1(a))⁵
<p>The data is processed by the FRA itself <input checked="" type="checkbox"/></p> <p>The data is processed also by a third party (contractor) <input checked="" type="checkbox"/></p>

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 FRANET contractors for the 11 countries named below, through an existing framework contract. Please find the contact details [here](#).

Contact point at external third party:

Austria

European Training and Research Centre for Human Rights and Democracy - ETC
Graz

Belgium

Vrije Universiteit Brussel

Czechia

Institute of Sociology of the Academy of Sciences of the Czech Republic

Germany

Deutsches Institut für Menschenrechte

Estonia

Estonian Human Rights Centre

France

Institut Français des Droits et Libertés

Italy

Fondazione Giacomo Brodolini

Poland

Helsinki Foundation for Human Rights

Romania

Human European Consultancy

Slovakia

Centrum pre vyskum etnicity a kultury

Sweden

Raoul Wallenberg Institute of Human Rights and Humanitarian Law

In **Ireland**, the data will be processed by a separate contractor, to be selected at a later stage.

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).

The purpose of the processing of the participants' personal data is to support the implementation of a FRA research project on local/city measures ensuring access to selected rights for temporary protection beneficiaries by providing insights in the practical experience of implementing rights provided under the Temporary Protection Directive.

Due to this, FRA would like to consult with local authority experts in selected cities or locations on challenges and good practices that arose in the context of ensuring access to education, housing, employment and healthcare to persons having fled from Ukraine.

At the same time, FRA requires insights in the practical implementation challenges faced by service providers in these fields and thus requests its contractors to identify resource persons representing relevant support organisations or service providers at local level that FRA may contact and invite to participate in a small-scale online survey to be carried out in January to February 2023. **This survey, to be carried out by FRA at a later stage, is not**

part of the processing operation and will be covered by a separate privacy notice when it is to be launched.

The result of the collected data will feed into a comparative report pointing out ways and requirements to overcome selected implementation challenges.

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 | <input checked="" type="checkbox"/> |
| Local authority representatives | |
| Relevant contract persons of local service providers or support organisations | |

5) Categories of personal data processed (Article 31.1(c))

Please tick all that apply and give details where appropriate

(a) General personal data (add or delete as appropriate – the data in the brackets are only examples)

- | | |
|---|-------------------------------------|
| Personal details, i.e. first name(s), surname(s) | <input checked="" type="checkbox"/> |
| Contact details, i.e. professional email address, phone number | <input checked="" type="checkbox"/> |
| Employment details, i.e. name of organisation/authority/company, job title/function | <input checked="" type="checkbox"/> |
| Financial details | <input type="checkbox"/> |
| Family, lifestyle and social circumstances | <input type="checkbox"/> |
| Goods or services provided (capacity-building training, training material, development or contribution to Charter-related courses incl. e-courses, services, research and publications regarding) and policy advice, examples for public visibility | <input type="checkbox"/> |
| Other (please give details): | <input type="checkbox"/> |

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

The personal data collected reveal:

- | | |
|---|--------------------------|
| Racial or ethnic origin (revealed by photographs) | <input type="checkbox"/> |
| Political opinions | <input type="checkbox"/> |
| Religious or philosophical beliefs | <input type="checkbox"/> |
| Trade union membership | <input type="checkbox"/> |

Genetic, biometric or data concerning health

Information regarding an individual's sex life or sexual orientation

N/A

(c) Personal data relating to criminal convictions and offences (Article 11)

Criminal record (or similar, e.g. declaration of good conduct)

N/A

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:

The personal data are stored in an electronic database. Access to the database is restricted to authorised staff members in the Equality, Roma and Social Rights Unit who is dealing with the organisation and content of the research.

Recipients **outside** FRA:

- Selected staff of FRANET contractors who are bound by confidentiality clauses

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:

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.

Transfer to international organisation(s)

Yes

No

If yes specify to which organisation:

Legal base for the data transfer

Transfer on the basis of 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

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 Agency will keep the personal data for a period of 12 months, which is necessary for the project/research purpose. The processing operation will start in November 2022 and will thus end on 31 October 2023. All electronic copies held by FRA and contractors will then be deleted.

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) | <input checked="" type="checkbox"/> |
| FRA network shared drive | <input type="checkbox"/> |
| Outlook Folder(s) | <input checked="" type="checkbox"/> |
| CRM | <input type="checkbox"/> |
| Hardcopy file | <input type="checkbox"/> |
| Cloud used by FRA (MS365 data protection notice) | <input checked="" type="checkbox"/> |
| Servers of external provider | <input checked="" type="checkbox"/> |
- The data is stored by contractors in the EU and no transferred outside EU.

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 TPDlocalauthorities@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 5.1.(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.