

[Data protection notice - FRA consultations with civil society organisations under Art. 10 FRA Founding Regulation](#)

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 collect personal data?

FRA cooperates with civil society organisations as per Art. 10 of [FRA's founding regulation \(EC\) No 168/2007](#). As part of this engagement, the Agency consults civil society organisations active in the field of fundamental rights on specific topics, mostly through online questionnaires.

FRA understands civil society organisations active in the field of fundamental rights as defined per Article 10(1) of its Founding Regulation (“non-governmental organisations dealing with human rights, trade unions and employer’s organisations, relevant social and professional organisations, churches, religious, philosophical and non-confessional organisations, universities and other qualified experts of European and international bodies and organisations).

The purpose of such consultations is to receive and assess feedback and suggestions provided by civil society organisations registered in the FRP database, and other relevant non-FRP registered civil society organisations. Organisations are asked to give input on a specific topic/issue (e.g. FRA Annual Work Programme, FRA Annual Report, Charter of Fundamental Rights, civic space, etc.). We also inform FRA’s stakeholders, including the Fundamental Rights Platform, about the results of consultations through the FRA website, through a publication and/or per email (in the case of organisations registered in the FRP database).

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

FRA’s online consultations do not ask any personal data from you in the questionnaire.

However, in some cases the primary email contact address of organisations registered in the FRP database will be used to send out the link to the survey questionnaire. For the collection of these primary email addresses, please refer to the [specific Data Protection Notice](#).

Tokens and cookies will be used to ensure that each organisation can fill the survey only once, and that it will be possible to store answers and return to the online questionnaire again later. The use of tokens also makes it possible to send reminders only to those organisations that have not yet responded to any given online consultation. In case you use the “Save and resume later” function of the online survey, you can save your answers by giving a login, password and email address, in order to resume the survey later. The address, login and password are securely stored.

Online survey tools used may also involve the use of the IP address.

In the frame of a consultation, the Agency collects your answers to the questions from the questionnaire, and occasionally also the name of your organisation and/or background information on the organisation such as level of activity, country, type of organisation, type of activity, approximate

number of staff and volunteers. With this type of information you could theoretically become indirectly identifiable. If this is the case, you will be informed that these questions will be asked in the introductory text of the questionnaire or invitation email.

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

We collect only the information you provide us in several ways, including by filling in the online questionnaire.

For online consultations, usually professional online survey tools are used (such as the LimeSurvey tool). In an online consultation, cookies, tokens and/or the IP address may be used. The introductory text of each questionnaire will inform you whether or not cookies, tokens and/or the IP address will be used and if yes, their purpose. It will mention as well which other information is captured from the device used to respond to the survey, if this is the case.

### **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 Institutional Cooperation and Networks Unit is responsible for this processing operation.

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

The consultations with civil society organisations under Art. 10 FRA Founding Regulation are necessary for the management and functioning of the Agency. Therefore, the processing is lawful under Article 5.1.(a) of the Regulation (EU) No 2018/1725.

In addition, since the participation in the consultation is not mandatory, the processing of the personal data is also in accordance with Article 5.1.(d) of Regulation (EU) No 2018/1725.

In this particular regard, when civil society organisations registered their organisation in the FRP database, they provided personal data to the FRA, and agreed to be contacted by the Agency in the framework of consultations. The relevant civil society organisations not registered in the FRP database, which receive the link to a consultation from partner organisations, provide their consent prior to responding to the survey as participation is voluntary.

## 6. Who can see your data?

The data is accessible by the FRA staff members dealing with a specific consultation. Please note that the following third parties might be involved in the processing operation as processors:

- LimeSurvey
- FRA's Web hosting contractor
- FRA's Web Development contractor

In this framework, certain employees of the external web development and web hosting contractors (please refer to the specific [Data Protection Notice](#)), who are bound by specific contractual clauses for any processing operations on behalf of FRA in accordance with Regulation 2018/1725. Please also refer to the specific [Privacy policy](#) of the owner of the LimeSurvey tool.

Only aggregated (anonymous) answers from the questionnaire will be available publicly (for instance on FRA's website or as part of a FRA report).

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

Personal data is processed by the Agency only. In case designated partner organisations share a questionnaire with their own networks, they will be able to have access to the aggregated questionnaire answers (but not to any personal data). In case FRA needs 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?

In case personal data is collected, it will not be transferred to Third Countries/International Organisations. However, anonymous, or anonymous and aggregated data may be made available to them.

## 9. When we will start the processing operation?

The processing operation starts when you are submitting your responses to a consultation questionnaire.

In those cases where the Agency uses the primary email contact address of organisations registered in the FRP database to send out the link to the survey questionnaire, tokens, cookies and/or the IP address will be used. In this case, the processing operation starts with the sendout of the invitation to fill the questionnaire.

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

The Agency will keep your individual organisational responses for a period of one year after the closure of the survey.

Anonymised aggregated data will be kept for a period of 5 years after the survey closure. After these dates, FRA will delete the data in question.

## **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.

Please note that FRA's online consultations do not ask any personal data from you in the questionnaire. The online questionnaire may include questions related to the organisation but not linked to any individuals. The Agency may be able to identify the response of an organisation only via matching the organisational related questions with the information provided by the organisation during and after the survey closure. If this is possible, the Agency is maybe in a position to allow the organisation delete, modify or access the submitted data (point 11.2. a) to f) below)

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 [frp@fra.europa.eu](mailto:frp@fra.europa.eu).

### **11.1. The value of your consent**

Since the participation in the consultation is not mandatory, the processing of the personal data is also in accordance with Article 5.1.(d) of Regulation (EU) No 2018/1725. Accordingly, you have the right to withdraw consent at any time.

### **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 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. 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 an 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.

In particular, the data collected via the FRA online survey tool is stored in a secure area of the FRA server in the EU and not transferred outside EU. Files will be password protected. The external server is password protected. The [Privacy notice](#) on FRA Website and Web Services provides more information on the matter.

FRA external contractors have the contractual obligation to undertake appropriate technical and organizational measures to ensure a level of security and confidentiality appropriate to the risk

## **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 [frp@fra.europa.eu](mailto:frp@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 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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