

**RECORD OF PROCESSING ACTIVITY  
ACCORDING TO ARTICLE 31 REGULATION 2018/1725<sup>1</sup>  
NOTIFICATION TO THE DATA PROTECTION OFFICER**

**NAME OF PROCESSING OPERATION<sup>2</sup>: Usability testing of online tools and services**

Reference number: DPR-2021-136 (to be completed by the DPO)
Creation date of this record: 21/7/2021
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Version: 1

Part 1 (Publicly available)

<b>1) Controller(s)<sup>3</sup> of data processing operation (Article 31.1(a))</b>
<p>Controller: European Union Agency for Fundamental Rights (FRA)          Schwarzenbergplatz 11, A-1040 Vienna, Austria          Telephone: +43 1 580 30 – 0          Email: <a href="mailto:contact@fra.europa.eu">contact@fra.europa.eu</a>          Organisational unit <b>responsible<sup>4</sup></b> for the processing activity: Communications and Events Unit          Contact details: <a href="mailto:webfeedback@fra.europa.eu">webfeedback@fra.europa.eu</a>          Data Protection Officer (DPO): <a href="mailto:dpo@fra.europa.eu">dpo@fra.europa.eu</a></p>

<b>2) Who is actually conducting the processing? (Article 31.1(a))<sup>5</sup></b>
<p>The data is processed by the FRA itself <input checked="" type="checkbox"/></p> <p>The data is processed also by a third party <input checked="" type="checkbox"/></p> <p>Web development contractor: eWorx (<a href="mailto:eworx@eworx.gr">eworx@eworx.gr</a>)</p>

<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>

<sup>2</sup> **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.

<sup>3</sup> In case of more than one controller (e.g. joint FRA research), all controllers need to be listed here

<sup>4</sup> This is the unit that decides that the processing takes place and why.

<sup>5</sup> Is the FRA itself conducting the processing? Or has a provider been contracted?

FRA's Web hosting contractor, Managing Innovation Strategies, SLL (MainStrat) in consortium with SARENET, S.A.U.

### 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).*

We collect personal data in order to carry out a usability study which will help us to evaluate and improve FRA website.

Users of the FRA website will be asked to participate in the usability study via a randomly appearing pop-up window on the website. If the user agrees to take part, they will be taken to an online survey form where they will be asked about their name, function, age and email address, as well as responses to questions about how they use the website.

FRA will invite some of the users who have completed the online survey to participate in a more detailed interview. The interviews will be carried out by the external contractor and screen activity will be recorded using MS Teams. A FRA staff member will be present to start the Teams meeting and the recording and will ensure that there are no technical problems with the screen share. The staff member will then leave the meeting before the actual interview starts.

### 4) Description of the categories of data subjects (Article 31.1(c))

*Whose personal data are being processed?*

- |                                   |                                     |
|-----------------------------------|-------------------------------------|
| FRA staff                         | <input type="checkbox"/>            |
| Non-FRA staff (FRA website users) | <input checked="" type="checkbox"/> |

### 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 – name, surname and age  | <input checked="" type="checkbox"/> |
| Contact details - email address   | <input checked="" type="checkbox"/> |
| Education & Training details  | <input type="checkbox"/>            |
| Employment details - name of employer/organisation, position/function in the organisation | <input checked="" type="checkbox"/> |

Financial details

Family, lifestyle and social circumstances

Goods or services provided

Other (please give details):

- Cookies: When users are invited to participate in the study through a pop-up window on the website, a cookie will be placed on their device. This ensures that users will not see the pop-up more than once.
- Recording of image via camera, voice and screen activity to view user activity using MS Teams video conferencing and online meeting software of those users who have agreed to participate in a more detailed interview.

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

The personal data collected reveal:

Racial or ethnic origin

Data concerning racial or ethnic origin may be incidentally revealed by the user during the video recording of the interview. By switching on their cameras, participants provide their consent to the incidental processing of such data. In this case, the processing of special categories of data is lawful on the basis of Article 10.2.(a) of Regulation (EU) No 2018/1725.

Political opinions

Religious or philosophical beliefs

Data concerning religious beliefs may be incidentally revealed by the user during the video recording of the interview. By switching on their cameras, participants provide their consent to the incidental processing of such data. In this case, the processing of special categories of data is lawful on the basis of Article 10.2.(a) of Regulation (EU) No 2018/1725.

Trade union membership

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   
Online communication staff members of the Communications and Events Unit

Recipients **outside** FRA:   
Selected staff members of the web development contractor Eworx  
The project manager of the Eworx will be conducting and recording the interviews.  
As the web hosting contractor (Sarnet) has access to FRA's web servers they also have access to website data directly in the MySQL database.

7) Transfers to third countries or international organisations (Article 31.1 (e))<sup>6</sup>

*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

Data collected by Eworx is stored on an eWorx internal server located in a data centre within the European Union. At the end of the contract the data will be deleted.

**If yes, specify to which country:**

**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)

<sup>6</sup> **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 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"?*

Eworx will store the following data until the end of the relevant Specific Contract (30/11/2023):

- MS Teams interview recordings
- Email with list of interviewees

FRA will store the following data:

- MS Teams interview recordings for 6 months after the interviews
- Email with list of interviewees will be kept for 6 months after the end of the contract
- Cookie data on FRA website users' device to prevent repeated viewing of the pop-up will expire after 6 months

**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 checked="" type="checkbox"/> |
| Outlook Folder(s)                | <input checked="" type="checkbox"/> |
| CRM                              | <input type="checkbox"/>            |
| Hardcopy file                    | <input type="checkbox"/>            |
| Cloud (Microsoft 365)            | <input checked="" type="checkbox"/> |

At FRA, data is stored on the cloud-based platform Microsoft Office 365. For more information on this tool see the relevant privacy notice: [Privacy notice - Use of Microsoft Office 365 \(966.86 KB\)](#).

Servers of external providers:

- Web development contractor (Eworx) - Data collected by Eworx is stored on an eWorx internal server located in a data centre within the European Union. At the

end of the contract the data will be deleted. This task is carried out under the provisions of a framework contract.

- Web hosting contractor (Sarenet) - Under the provisions of a framework contract a hosting contractor has access to all FRA data hosted on virtual machines in their data center.

Other (please specify):

## 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 [webfeedback@fra.europa.eu](mailto:webfeedback@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