

**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>:

Procedural safeguards for children who are suspects or accused persons in criminal proceedings – Part II:  
Fieldwork research with children (SR 46)

Reference number: DPR-2020-117
Creation date of this record: 08/12/2020
Last update of this record: 18/02/2021
Version: 1

Part 1 (Publicly available)

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

2) Who is actually conducting the processing? (Article 31.1(a)) <sup>5</sup>	
The data is processed by <b>FRA</b> itself	<input checked="" type="checkbox"/>
The data is processed also by a <b>third party</b> (FRANET contractor) as data processor	<input checked="" type="checkbox"/>
<b>Austria:</b> European Training and Research Center for Human Rights and Democracy (ETC Graz)	

<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?

**Belgium:**

Fundamental Rights Research Center, Vrije Universiteit Brussel

**Bulgaria:**

Project One (Center for the Study of Democracy)

**Estonia:**

Estonian Human Rights Centre

**Italy:**

Fondazione Giacomo Brodolini

**Poland:**

Helsinki Foundation for Human Rights

**Portugal:**

Centre for Social Studies (CES), University of Coimbra

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 personal data is to collect information and data for the purpose of a research project, of which this project forms a second part. The European Commission requested an evidence based advice in the context of their implementation report (Article 25 of [Directive 2016/800/EU](#)). The project focuses in particular on the procedural safeguards for children who are suspects or accused persons in criminal proceedings. The objective of the project is to advise the EU institutions and EU Member States on the specific criminal procedural rights of children. It will look at Directive 2016/800/EU and its implementation in the Member States. The project consists of a desk research and social fieldwork research in form of 6 interviews per selected Member State. The information from the interviews will feed into the preparation of a report to be published in 2022.

In order to carry out interviews with and apply appropriate protective measures for children, their contact details and background information (incl. type of case, the procedural safeguards put in place and any specific needs the child may have or sensitivities that need to be considered) need to be collected.

It is important to comply with child participation principles as outlined in the [General Comment No. 12](#), Article 134, making the informed consent procedure particularly important so that the child is able to agree to participate in this research and that personal data is kept. This is why, in addition to the privacy notice and consent forms, there is an information letter for the child and parent(s)/legal guardian/legal representative (if required) as attached. There is also a preparatory meeting to be scheduled before the actual interview with the child and an accompanying person of trust to also orally inform about the interview process and what the child's participation in this research entails (the details of this procedure are described in the Technical Specifications).

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 (Interviewees: Children) | <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:**

The personal data collected include:

- |  |                                     |
|--|-------------------------------------|
| Personal details (e.g. name, surname, gender)                                    | <input checked="" type="checkbox"/> |
| Contact details (e.g. email address, telephone number)                           | <input checked="" type="checkbox"/> |
| Education & Training details   | <input checked="" type="checkbox"/> |
| Employment details (e.g. work experience)  | <input checked="" type="checkbox"/> |
| Financial details (e.g. financial identification form, bank account information) | <input type="checkbox"/>            |
| Family, and social circumstances   | <input checked="" type="checkbox"/> |
| Goods or services provided   | <input type="checkbox"/>            |
| Other (please give details):    Personal data relating to criminal offences      | <input checked="" type="checkbox"/> |

**(b) Sensitive personal data (Article 10)**

The personal data collected reveal:

- |  |                                     |
|--|-------------------------------------|
| Racial or ethnic origin  | <input type="checkbox"/>            |
| Political opinions   | <input type="checkbox"/>            |
| Religious or philosophical beliefs                                   | <input type="checkbox"/>            |
| Trade union membership   | <input type="checkbox"/>            |
| Data concerning health   | <input checked="" type="checkbox"/> |
| Information regarding an individual's sex life or sexual orientation | <input type="checkbox"/>            |
| N/A  | <input type="checkbox"/>            |

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

*Technical Assistance and Capacity Building Unit/ CCPC project team*  
Astrid Podsiadlowski (project manager), [just\\_digit\\_secure@fra.europa.eu](mailto:just_digit_secure@fra.europa.eu)

Designated persons **outside** FRA:

*FRANET contractors that are involved in the project have access to the data:*

**Austria:**

European Training and Research Center for Human Rights and Democracy (ETC Graz)

**Belgium:**

Fundamental Rights Reseach Center, Vrije Universiteit Brussel

**Bulgaria:**

Project One (Center for the Study of Democracy)

**Estonia:**

Estonian Human Rights Centre

**Italy:**

Fondazione Giacomo Brodolini

**Poland:**

Helsinki Foundation for Human Rights

**Portugal:**

Centre for Social Studies (CES), University of Coimbra

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

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

**Transfer to international organisation(s)**

Yes

<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.

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 processing operation will commence in February 2021 and is projected to end with the publication of FRA's final report in June 2022.

Anonymised research material, e.g. reporting templates, will be kept indefinitely.

Personal data defined above (See sections 4 and 5) will be kept for 24 months after the data collection. All physical and 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 checked="" type="checkbox"/> |
| Outlook Folder(s)                         | <input checked="" type="checkbox"/> |
| CRM                                       | <input type="checkbox"/>            |
| Hardcopy file                             | <input checked="" type="checkbox"/> |
| Cloud (give details, e.g. cloud provider) | <input type="checkbox"/>            |
| Servers of external provider              | <input checked="" type="checkbox"/> |

Other (please specify): .....

**Security measures taken by FRA or the contractor(s):**

The Agency applies FRA's standard safety measures in order to protect personal data from unauthorised access, use or disclosure (For further information, please see section 14 of this record). For example, audio-recordings will only be saved in password protected drives or libraries.

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?*

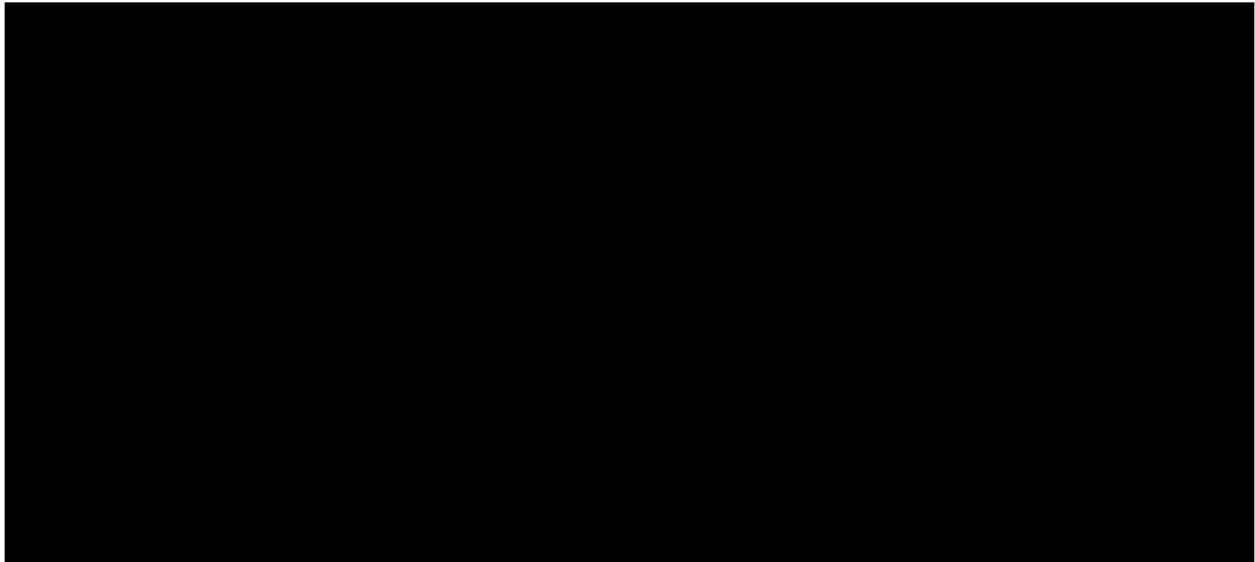
See further details in FRA's Privacy Notice,

- section 13 (a) and (b): e-mail to [just\\_digit\\_secure@fra.europa.eu](mailto:just_digit_secure@fra.europa.eu) or our Data Protection Officer (DPO) at [dpo@fra.europa.eu](mailto:dpo@fra.europa.eu).
- section 11 para. 2: We will reply as per standard deadlines and procedures in FRA's data protection implementing rules (in particular: without undue delay and in any event within one

*month of receipt of the request; period may be extended by two further months where necessary, taking into account the complexity and number of the requests).*

**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



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<sup>7</sup> 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.