

Setting-up an online platform in the framework of the regional project “*Supporting National Human Rights Institutions in monitoring fundamental rights and the fundamental rights aspects of the rule of law*”.

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 process and collect personal data?

In the framework of the project “*Supporting National Human Rights Institutions in monitoring fundamental rights and the fundamental rights aspects of the rule of law*”, funded under the EEA and Norway Grants, an online platform aimed at fostering and facilitating communication among partners will be set up by an external contractor – ICF S.A., registered in Brussels, Belgium. In this context, we will collect and maintain personal data of representatives of all project partners (from Bulgaria, Croatia, Cyprus, Latvia, Poland, Slovakia, Slovenia and the European Network of National Human Rights Institutions ENNHRI) with the aim to invite them to join the Team created on Microsoft Teams. The Teams channel will be used to:

- Facilitate interactions and exchange of information and among project partners;
- Host online meetings;
- Work collaboratively;
- Share files and best practices;
- Access and collect data in a structured way via common project folders

2. What kind of personal data does the Agency process?

We will collect only the following personal data necessary for the processing operation described above.

(a) General personal data:

- Personal details: name and surname
- Contact details: e-mail address
- Employment details: function/title, name and type of the employer/ organisation
- Other:

- In the context of the channel created in Teams, the content of the meetings and conversations chats, voicemail, shared files, recordings, and transcriptions. Personal data associated with your Teams usage include your name, email, IP, device and usage data, information about you or your activity that you share via the channel with other group members.

(b) Special categories of personal data:

- Racial or ethnic origin, political opinions and/or religious or philosophical beliefs might be incidentally revealed by the image and video recording in case data subjects switch on their cameras when participating in online meetings hosted in the Teams channel.

3. How do we collect and process your personal data?

3a. Information we collect about you

FRA will centralise the names, contact details (e-mail addresses), affiliated organisation and positions in those organisations of the representatives of the project partners in an Excel file on DMS Sharepoint accessible to a restricted number of FRA personnel in charge with the good implementation of the project. The list will also be shared with the contractor, ICF S.A., which will add participants to the channel. The participants will receive an e-mail with a link to the channel.

For the purpose of the online collaboration platform, ICF's uses Microsoft Teams (MS Teams) enterprise corporate collaboration platform. MS Teams hosts data in the EU and will process the data mentioned in section 2 in the context of the channel.

3c. Information we receive from other sources

For the purpose of drawing-up the list of persons who will be invited to join the Teams channel, we will ask you employer, via the contact person for the respective project partner, for your personal data mentioned at point 2 (a). This list will be shared with an external contractor – ICF S.A. for the purpose of inviting the nominated persons to join the online platform.

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 the Institutional Cooperation & Networks Unit is responsible for this processing operation.

Moreover, through a public procurement procedure, ICF S.A. has been contracted by the FRA to, among other tasks, set-up an online communication platform aimed at fostering and facilitating communication among project partners. The chosen online platform is Microsoft Teams.

Third parties indicated above also process your personal data on behalf of FRA, acting as FRA's data processor ([ICF data protection notice](#)) or subprocessor ([Microsoft data protection notice](#))

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

The processing operation is necessary for the performance of the tasks carried out by the Agency in the public interest in order to achieve the objectives that are necessary for its management and functioning. In particular, Article 8(2)(a) of the FRA's founding Regulation (Council Regulation (EC) No 168/2007 establishing a European Union Agency for Fundamental Rights, as amended by Regulation (EU) No 2022/555) provides for the cooperation of FRA governmental organisations and public bodies competent in the field of fundamental rights in the Member States, including national human rights institutions. Moreover, the project is foreseen in FRA's Annual Work Programme 2023 – Other activities under Title IV – O.1.4.

Therefore, the processing is lawful under Article 5.1.(a) of the Regulation (EU) No 2018/1725.

Images, audio and/or video of the participants' interventions or interviews may be recorded in case meetings take place online in the Teams channel, subject to participants' consent. Moreover, personal data associated with your Teams usage like your name, email, IP, device and usage data, information about you or your activity will be processed based on your consent. Therefore, the processing operation is lawful under Article 5(1)(d) of the Regulation (EU) No.2018/1725

The incidental processing of special categories of personal data, such as racial or ethnic origin, political opinions or religious or philosophical beliefs when participants switch on their cameras during online meetings is lawful under Article 10(2)(a) of the same Regulation, as specific consent is given by the data subjects, and it is stored.

6. Who can see your data?

A restricted number of FRA staff responsible for the implementation of the above-mentioned project will have access to the collected personal data.

A restricted number of ICF S.A. (processor) staff responsible with the set-up and maintenance of the online platform together with the ICF project management team will have access to your personal data. ICF is bound by specific contractual clauses for any processing operations on behalf of FRA, and by the confidentiality obligations deriving from Regulation (EC) 2018/1725).

7. Do we share your data with other organisations?

Personal data is processed by the Agency (including the processors). In case that we need to share your data with third parties besides information included in this notice, 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

No.

However, the transfer of limited personal data (diagnostic data) outside the EU and EEA might occur when using MS Teams to perform the tasks related to the project partners' participation in the meetings. Moreover, as Microsoft is a US based company, it is subject to US Surveillance laws. Such transfers fall under the adequacy decision for the [EU-US Data Privacy Framework](#) adopted by the European Commission on 10 July 2023.

9. When will we start the processing operation?

We will start the processing operation in November 2023.

10. How long do we keep your data?

The data will be kept for 6 months after the implementation period of the project will end (the implementation period will end on 29 February 2024).

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 dpo@fra.europa.eu.

11.1. The value of your consent

Incidental processing of the special categories of personal data mentioned under section 2b will be based on your consent, which will be requested from you by email. Moreover, FRA will obtain your consent to the processing of your data by the Teams channel when you agree to join the platform.

You have the right to withdraw your consent at any time, and we will delete your data or restrict its processing. All processing operations up until the withdrawal of consent will still be lawful.

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.

The Contractor, ICF S.A., also has technical and security measures in place to protect your personal data from unauthorized access, use or disclosure.

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 NHRBteam@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.

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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