

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

NAME OF PROCESSING OPERATION²: Roma Survey 2020

Reference: DPR-2020-110
Creation date of this record: 27/04/2020
Last update of this record: 05/10/2020
Version: v1

1) Controller(s)³ of data processing operation (Article 31.1(a))
Controller: European Union Agency for Fundamental Rights (FRA) Organisational unit responsible⁴ for the processing activity: Research & Data Unit Contact person: contact@fra.europa.eu Data Protection Officer (DPO): Robert Jan Uhl dpo@fra.europa.eu

2) Who is actually conducting the processing? (Article 31.1(a))⁵
The data is processed by the FRA itself <input type="checkbox"/>
The data is processed by a third party <input checked="" type="checkbox"/> Kantar Belgium, 49-53 rue du Marais 1000, Brussels, Belgium and its local partner organisations in the survey countries (sub-contractors) Contact point at external third party <i>Nicolas Bécuwe, project manager, nicolas.becuwe@kantar.com</i>

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?

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 comparable data in 10 survey countries (eight EU Member States – CZ, EL, ES, HR, HU, IT, PT, RO; two accession countries – MK and RS) to support the EU in protecting the fundamental rights of persons with Roma or Travellers background. The survey (using the contractor's services) will collect data on respondents' household situation, their experiences of discrimination in the areas of employment, health, housing, education and other services, experiences of hate crime and rights awareness. All data processed in FRA are fully anonymised and processed to (1) check on data quality during field work (2) to produce indicators and results to provide evidence on the situation of fundamental rights.

Starting from October 2020, the contractor, using the national polling agencies (local sub-contractors in the survey countries) will be interviewing data subjects from the Roma and Travellers populations. Additionally to the data collected via the questionnaire, they will collect contact details from the respondents, such as name, address, telephone number if necessary. These will be used for keeping contact during the interview process and for quality check purposes and be accessible via the "Quality Check" manager of the national polling agency, the local sub-contractors as defined in the contract. It will not be provided to the main contractor Kantar Belgium or FRA. They will follow the GDPR provisions applicable in their member state. FRA will get reassurances of the safeguards to be followed to respect the privacy of respondents. Further the polling agency may collect contact details of cooperating individuals and contact persons at municipal level to be able to get into contact with respondents or learn about the locality.

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

Whose personal data are being processed?

FRA staff

Non-FRA staff

Respondents - persons who consider themselves to be Roma or Traveller aged 16 or older and who live in one of the survey countries: Croatia, Czechia, Hungary, Greece, Italy, Portugal, Romania, Spain, North Macedonia and Serbia.

Persons who are mediating contact between the interviewer and the respondent. These persons might be also Roma and Travellers themselves. Usually they are members of the local civil society organization working with Roma and Travellers in the given country.

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

Please tick all that apply and give details where appropriate. Include information if automated decision making takes place, evaluation and monitoring

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

(a) Data collected via the questionnaire which include age, sex, economic activity, education, household social and economic situation, perceptions of discrimination, harassment, violence, participation in social life. Additionally to these data we will also collect the name, address and telephone number of the respondents. These will be used for keeping contract during the interview process and for quality check purposes and be accessible via the “Quality Check” manager of the national sub-contractors. It will not be provided to the main contractor Kantar Belgium or FRA. Further the polling agency may collect contact details of cooperating individual and contact persons at municipal level who would be assisting in getting into contact with respondents or who would provide information about the locality.

(b) Special categories of personal data:

In our survey we may collect sensitive personal data, such as information about your racial or ethnic origin, religious beliefs, or data concerning physical or mental health. We will only collect this kind of data if you have given your explicit consent to do so.

The data resulting from the survey and transmitted to Kantar Belgium and FRA will be anonymous. Respondents’ answers to the survey will be stored in a data set. Individual respondents cannot be identified from the data set. The results will be reported in aggregate format (e.g. as percentages or mean values) so that it will not be possible to recognise individual respondents from the results.

6) Recipient(s) of the data (Article 31.1 (d))⁶

*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?*

Designated **FRA** staff members

Research unit, and all assigned Roma Survey 2020 project team members will have access to anonymized data resulting from the survey. Respondents’ answers to the survey will be stored in a data set. Individual respondents cannot be identified from the data set.

Designated persons **outside** FRA:

Contractor’s research staff (for the duration of the contract) – Kantar Belgium and its sub-contractors for the implementation of Kantar’s contract with FRA.

⁶ No need to mention entities that may have access in the course of a particular investigation (e.g. OLAF, EO, EDPS).

7) Transfers to third countries or recipients outside the EEA (Article 31.1 (e))⁷

If the personal data are transferred outside the European Economic Area, 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

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

⁷ 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.

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"?

FRA is due to receive the final data set from the contractor by 25 June 2021. After receiving the final data set, the agency will double-check that the data set does not contain any personal data. Any personal data detected as a part of this process will be deleted by the end of contract with the contractor (30 September 2021). The anonymised dataset will be stored indefinitely.

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?

FRA network shared drive

Outlook Folder(s)

CRM

Hardcopy file

Cloud (give details, e.g. cloud provider)

Servers of external provider

The survey data will be stored on a secure server on network-based data storage devices, rather than on local drives. Access to data is restricted to the appropriate personnel. All data back-ups are securely stored offsite either at another secure Kantar location or via an authorised third-party specialist partner. Kantar performs regular tests to ensure the integrity of back-up processes. Data is stored on file servers which utilise access control lists to ensure only authorised users have access to client data on a 'need to know' basis.

Any additional files and any confidential survey documents will be securely transferred using Accellion file transfer system.

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 privacy notice: e-mail to Romasurvey2020@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