

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

NAME OF PROCESSING OPERATION²: Registration of data subject's complaints

DPR-2018-003 (to be completed by the DPO)
Creation date of this record: 21/12/2018
Last update of this record: 21/12/2018
Version: 1

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: DPO Contact person: ██████████ dpo@fra.europa.eu Data Protection Officer (DPO): ██████████ 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 checked="" type="checkbox"/>
The data is processed also by a third party (contractor) [mention the third party] <input type="checkbox"/>

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 have and manage a list of the received complaints regarding the rights of the data subjects.

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

Whose personal data are being processed?

Data subjects are identified or identifiable interested persons who made a complaint regarding their rights of access, rectification, erasure, restriction of processing, object and data portability.

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

(a) General personal data:

The personal data contains:

Personal details (e.g. name, surname, date of birth, gender, nationality, address, photo, ID copy, social security certificate, medical certificate, military/civil Certificate, criminal record, etc.)

Contact details (e.g. postal address, email address, mobile and fax number)

Education & Training details

Employment details (e.g. work experience, languages, opinions)

Financial details (e.g. financial identification form, bank account information)

Family, lifestyle and social circumstances

Goods or services provided

Other (please give details):

(b) Sensitive personal data (Article 10)

The personal data reveals:

Racial or ethnic origin

Political opinions	<input checked="" type="checkbox"/>
Religious or philosophical beliefs	<input checked="" type="checkbox"/>
Trade union membership	<input checked="" type="checkbox"/>
Genetic, biometric or data concerning health	<input checked="" type="checkbox"/>
Information regarding an individual's sex life or sexual orientation	<input checked="" type="checkbox"/>

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 (please specify which team and Unit) / Data Protection Officer	<input checked="" type="checkbox"/>
Designated persons outside FRA: (please specify)	<input type="checkbox"/>

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.

Data are transferred to third country recipients:	
Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

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

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.

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"?

Data is kept 5 years after the case is closed.

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 | <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 type="checkbox"/> |

Other (please specify): *E.g. The data is stored in the EU and no transferred outside EU; the system cannot track the IP; cookies are enabled just for keeping the session active and deleted after the session expires; the data transmission takes places via https://; you need to check the security incident procedure of the contractor and the data breach procedure*

10) Lawfulness of the processing (Article 5(a)–(d))⁸: Processing necessary for:

Mention the legal basis which justifies the processing

- (a) a task carried out in the public interest or in the exercise of official authority vested in the FRA (including management and functioning of the institution)
(Examples of legal basis: FRA Founding Regulation (EC) No. 168/2007 establishing the European Union Agency for Fundamental Rights Articles 4.1 a) and 4.1 c); FRA legal acts (Conditions of Employment, Staff Rules, Administrative Circular etc.)
- (b) compliance with a legal obligation to which the FRA is subject
- (c) necessary for the performance of a contract with the data subject or to prepare such a contract
- (d) Data subject has given consent (ex ante, explicit, informed)
Describe how consent will be collected and where the relevant proof of consent will be stored
- (e) necessary in order to protect the vital interests of the data subjects or of another natural person

11) Data Minimisation(Article 4(c))

Do you really need all data items you plan to collect? Are there any you could do without?

Identification and contact details (name, surname of natural person, address, phone number, e-mail address) are needed for contacting the person who made the complained and for identification checks.

⁸ 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.

12) Transparency (Article 14)

How do you inform people about the processing operation?

Information relating the registry of requests received by Data Subjects is provided on the FRA`s Intranet. Data Subjects are informed when the request`s receipt is acknowledged.

13) 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?

For more information including how to exercise the rights of the data subject please see the Privacy Notice

Right to have access	<input checked="" type="checkbox"/> Anytime
Right to rectify	<input checked="" type="checkbox"/> Anytime
Right to erase ("right to be forgotten)	<input checked="" type="checkbox"/> Anytime
Right to restrict of processing	<input checked="" type="checkbox"/> Anytime
Right to data portability	<input checked="" type="checkbox"/> Anytime
Right to object	<input checked="" type="checkbox"/> Anytime
Right to obtain notifications to 3 rd parties	<input checked="" type="checkbox"/> Anytime
Right to have recourse	<input checked="" type="checkbox"/> Anytime
Right to withdraw consent at any time	<input type="checkbox"/> Anytime

14) Other linked documentation

Please provide links to other documentation of this process (consent form, privacy notice, project documentation, security related policies /measures etc.)

Privacy notice

MS Excel file template

Responsible

Signature

Date

Head of Corporate Services Unit
C Manolopoulos