

### Selection of confidential counsellors

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 personal data?

We process the personal data to carry out the selection of confidential counsellors, in line with FRA's Anti-Harassment policy (EB decision 2019/02). Staff are invited to apply to become a confidential counsellor via a call for expression of interest published on FRA's intranet and advertised by email. Application data is processed to verify compliance with the eligibility criteria, to assess applicants against the selection criteria and carry out interviews, in order for the selection panel to propose a list of suitable candidates to the Appointing Authority. The names of the selected confidential counsellors are published on a dedicated page on FRA's corporate intranet.

## 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, surname, date of birth only if the data subject voluntarily includes this on the CV)
- Contact details (email address, phone number)
- Education & Training details
- Employment details (e.g. work experience, languages)
- Other:
  - Any other general personal data or information provided voluntarily by the staff in their application
  - Assessment of the applications by the selection panel

### (b) Special categories of personal data:

- It cannot be excluded that staff members voluntarily disclose the special categories of data mentioned below in their application
  - data revealing racial or ethnic origin
  - political opinions
  - religious or philosophical beliefs
  - genetic data, biometric data, data concerning health
  - information regarding an individual's sexual orientation

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

3a. Information you provide us: We collect only the information you provide to us in your application, which you must send by email to the functional mailbox indicated in the call for expression of interest.

#### **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 Corporate Services Unit is responsible for this processing operation.

#### **5. What is the legal basis for this processing operation? .**

The processing is necessary for the management and functioning of the Agency. In order to provide a safe and harassment-free work environment, FRA adopted the Anti-Harassment Policy (EB 2019/02), which requires the establishment of a network of confidential counsellors, in furtherance of Articles 1d, 12 and 12a of the Staff Regulations and Articles 10, 11, 80 and 81 of the CEOS.

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

The processing of special categories of personal data voluntarily disclosed by staff members in their applications is lawful in accordance with Article 10.2.(a) of Regulation (EU) No 2018/1725 as they have given explicit consent by submitting their application.

#### **6. Who can see your data?**

To carry out the selection of confidential counsellors, a restricted number of staff have access to the personal data: Human Resources staff responsible for administering the call, the members of the selection panel, and the Director, who appoints the list of confidential counsellors.

Colleagues in DSF have access to the relevant DMS space for the purpose of technically administering the DMS only.

#### **7. Do we share your data with other organisations?**

Personal data is processed by the Agency only. In case that we need to share your data with third parties, 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

#### **9. When will we start the processing operation?**

We will start the processing operation when you submit your application to become a confidential counsellor.

## 10. How long do we keep your data?

If selected to be a confidential counsellor, we will keep your data until the end of the term of office. If not selected, the data will be destroyed at the end of the year in which the call for expression of interest took place, provided that there are no ongoing (pre-)litigation procedures in relation to the call. In the latter case, the data is kept only for the time period required to finalise the (pre-)litigation procedure.

## 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 [HR@fra.europa.eu](mailto:HR@fra.europa.eu)

### 11.1. Do we need your consent?

Consent to the processing of any special categories of personal data that you voluntarily disclose with your application is given by you by the submission of your application. 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 request to have your data deleted?**

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.

### 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 [HR@fra.europa.eu](mailto:HR@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](mailto: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.  
Last updated: 08 June 2024

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