

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

NAME OF PROCESSING OPERATION²: ACCESS TO FRA SURVEY DATA THROUGH GESIS DATA ARCHIVE

Please provide here a meaningful name of the processing operation involving personal data (e.g. staff recruitment, business continuity contact list, etc.). You should use the same name for the Privacy Notice.

DPR-2019-067 (to be completed by the DPO)
Creation date of this record: 24/05/2019
Last update of this record:
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: R&D
Contact person: <i>Joanna Goodey</i> [REDACTED]
Data Protection Officer (DPO): [REDACTED] 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 checked="" type="checkbox"/>
GESIS

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?

Contact point at external third party (e.g. Privacy/Data Protection Officer):

dataservices@gesis.org

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 provision of personal data is necessary in order to ensure access to the FRA surveys' data through the data archive. Data are only released for academic research and teaching after their application to the data depositor and its written authorization. For this purpose, the data archive obtains written permission with specification of the user and the analysis intention. FRA approves the data transfer to the data recipient by email.

Without a data user agreement, the FRA survey data are not accessible to a data user.

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 – users of the FRA's survey datasets | <input checked="" type="checkbox"/> |

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) | <input checked="" type="checkbox"/> |
| Contact details (e.g. email address, mobile and fax number) | <input checked="" type="checkbox"/> |
| Education & Training details | <input type="checkbox"/> |
| Employment details (e.g. institution/organisations address) | <input checked="" type="checkbox"/> |
| Financial details (e.g. financial identification form, bank account information) | <input type="checkbox"/> |
| Family, lifestyle and social circumstances | <input type="checkbox"/> |
| Goods or services provided | <input type="checkbox"/> |

Other (please give details):

(b) Sensitive personal data (Article 10)

The personal data reveals:

- | | |
|--|--------------------------|
| 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"/> |
| Genetic, biometric or data concerning health | <input type="checkbox"/> |
| Information regarding an individual's sex life or sexual orientation | <input 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)

A restricted number of staff members, who are in charge of the FRA surveys, can access your personal data. These include the Research and Data Unit.

Designated persons **outside** FRA: (please specify)

e.g. For reimbursement of the travel costs, a restricted number of staff members from the Directorate-General for Budget (DG BUDG) at the European Commission have access to your data.

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

No

If yes, specify to which country:

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.

If yes, specify under which safeguards:

- | | |
|--|--------------------------|
| Adequacy Decision of the European Commission | <input type="checkbox"/> |
| Standard Contractual Clauses | <input type="checkbox"/> |
| Binding Corporate Rules | <input type="checkbox"/> |
| Memorandum of Understanding between public authorities | <input type="checkbox"/> |

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 data will be kept until the end date of the research project as specified in the application (data use agreement).

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 type="checkbox"/> |
| Cloud (give details, e.g. cloud provider) | <input type="checkbox"/> |
| Servers of external provider | <input type="checkbox"/> |

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

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;

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)
Due to the sensitivity of the FRA's survey data, the access to the dataset is granted on a basis of a data use agreement that defines the purposes of data usage. It is in FRA's interest to have certain control over the use of the data.
- (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)
Application for the surveys' dataset access is an informed consent for the personal data to be processed.
- (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?

There is minimum personal data collected - name and contact details.

12) Transparency (Article 14)

How do you inform people about the processing operation?

A link to a privacy notice on the FRA website will be embedded in the data use agreement.

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?

E.g., See privacy statement: e-mail to logistics@fra.europa.eu; we will reply as per standard deadlines and procedures in FRA's data protection implementing rules.

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.

Data subject rights:

- | | |
|--|--|
| Right to have access | <input checked="" type="checkbox"/> Anytime [end date of the research project as specified in the application] |
| Right to rectify | <input checked="" type="checkbox"/> Anytime [end date of the research project as specified in the application] |
| Right to erase ("right to be forgotten") | <input checked="" type="checkbox"/> Anytime [end date of the research project as specified in the application] |
| Right to restrict of processing | <input checked="" type="checkbox"/> Anytime [end date of the research project as specified in the application] |
| Right to data portability | <input checked="" type="checkbox"/> Anytime [end date of the research project as specified in the application] |
| Right to object | <input checked="" type="checkbox"/> Anytime [end date of the research project as specified in the application] |
| Right to obtain notifications to 3 rd parties | <input checked="" type="checkbox"/> Anytime [end date of the research project as specified in the application] |
| Right to have recourse | <input checked="" type="checkbox"/> Anytime [end date of the research project as specified in the application] |
| Right to withdraw consent at any time | <input checked="" type="checkbox"/> Anytime [end date of the research project as specified in the application] |

14) Other linked documentation

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

Data Use Agreement, GESIS

Privacy Notice

Responsible

Signature

Date