

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

NAME OF PROCESSING OPERATION²: FRA Survey on Ukrainian Refugees

Reference number: DPR-2022-157
Creation date of this record: 12 May 2022
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Version: 2

Part 1 (Publicly available)

1) Controller(s)³ of data processing operation (Article 31.1(a))
<p>Controller: European Union Agency for Fundamental Rights (FRA) Schwarzenbergplatz 11, A-1040 Vienna, Austria Telephone: +43 1 580 30 – 0 Email: contact@fra.europa.eu Organisational unit responsible⁴ for the processing activity: Equality, Roma & Social Rights Unit Contact details: uas@fra.europa.eu Data Protection Officer (DPO): dpo@fra.europa.eu</p>

2) Who is actually conducting the processing? (Article 31.1(a))⁵
<p>The data is processed by the FRA itself <input checked="" type="checkbox"/></p> <p>The data is processed also by a third party (contractor) [mention the third party] <input checked="" type="checkbox"/> (Specify if they are processors or joint controllers)</p>

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?

The following third parties might be involved in the processing operation as processors:

FRA's Web hosting contractor, Managing Innovation Strategies, SLL (MainStrat) in consortium with SARENET, S.A.U.

FRA's Web Development contractor, Eworx S.A.

Flowmailer SMTP relay service – Flowmailer is FRA's contractor for email relays. They receive the email that needs to be delivered and then relays it to the final recipient. All data processed by Flowmailer is safely stored in independently functioning Dutch data centers (Amsterdam region). Customer data therefore never leaves the European Union. This makes Flowmailer 100% GDPR compliant. Any company domiciled in the European Union is entitled to transfer personal data through Flowmailer under the same rules as if it were to transfer data within their country (i.e. BDSG). For further information, please refer to the website of Flowmailer (<https://flowmailer.com/en/why/compliance-security>)

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).

Since 24 February 2022, the European Union experiences a mass influx of displaced persons fleeing the war in Ukraine. In response, the European Council activated the 2001 EU Temporary Protection Directive (Council Directive 2001/55/EC) through Council Implementing Decision (EU) 2022/382 of 4 March 2022. The Directive provides minimum standards for giving temporary protection in the event of a mass influx of displaced persons. However, the Directive is implemented for the first time. Therefore information on its implementation on the ground, based on the actual experiences of those who benefit from its application, are of critical importance.

This survey focuses in particular on refugees and their children and their situation in the new country of residence, their experiences, background information, opinions, feelings and views.

The purpose of the processing of the personal data is to collect comparable, timely and relevant data on situation and experiences of people fleeing to the European Union from the war in Ukraine. The research covers 10 European Union Member States: Bulgaria, Czechia, Estonia, Germany, Hungary, Italy, Poland, Romania, Spain and Slovakia).

The data will be processed as follows:

- The data will be collected by means of an online questionnaire which will be programmed in Lime Survey software.
- The data will be stored in the SQL database on FRA servers (located Spain) wherefrom they will be exported into a data set.
- The data set will be securely kept (protected by password).
- The data set will be analysed by FRA staff in such a manner that the responses cannot be identified and linked to the data subjects.
- The results of the analysis will become publicly available, it will not be possible to link your responses to you.
- The anonymized data set will be shared with the third parties (universities, research institutes, etc.) for research purposes. Anonymization in practice

means that among others, variables that could potentially help identify an individual will be categorised (for example, instead of concrete age only age category might be provided).

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

Whose personal data are being processed?

FRA staff

Non-FRA staff

The survey will collect anonymized (non-identifiable) data from survey respondents who fled from the war in Ukraine (after 24 February 2022) and at the moment of completing the survey will be staying in the EU MS covered by the survey. Data processing takes place in the EU.

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

Please tick all that apply and give details where appropriate

(a) General personal data (add or delete as appropriate – the data in the brackets are only examples)

Personal details (gender, nationality, age)

Contact details (email address)

The email address of the respondent will be stored if the button “Save and resume later” is clicked and if the respondent provides an email address. The email address field is not mandatory. If an email address is provided it will be used to send the user an email with a link to the unsubmitted survey as well as their pseudonym and the redacted password and it will be stored until the respondent completes the survey or until up to 48 hours after the survey deadline has expired.

At the end of the survey the respondent can provide up to 5 email addresses of children to whom the child survey URL will be sent. The link provided will be customised and will include an additional parameter indicating the response ID of the adult survey so that the survey responses of an adult can be linked to the survey responses of their children. These email addresses will not be stored in the Limesurvey dataset once they have been entered. Instead, the email addresses will be stored for 24 hours in the database linked to the FRA website and after this period they will be automatically deleted.

Emails are sent via Flowmailer, an SMTP relay service to which emails are directed before they can be sent on to the final recipient. In the process, recipient email addresses are stored in Flowmailer to ensure that emails are sent correctly and are not marked as spam. Flowmailer stores the date and time the email was sent, the email from and to address, the delivery status as well as the subject and text of the email.

Education & Training details

The survey respondents are asked to select general categories which they think fits the best their situation (e.g. education level, attending education)

Employment details

The survey respondents are asked to select general categories which they think fits the best their situation (e.g.. Unemployed/self-employed etc.)

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

Family, lifestyle and social circumstances

The survey respondents are asked to select general categories which they think fits the best their situation (e.g. Married, living with a partner, etc.)

Goods or services provided

Other (please give details):

Two session cookies are used:

1. *PHPSESSID*

Domain: *fra.europa.eu*

This cookie is native to PHP applications. The cookie is used to store and identify a users" unique session ID for the purpose of managing user session on the website. The cookie is a session cookie and is deleted when all the browser windows are closed.

2. *YII_CSRF_TOKEN*

Domain: *fra.europa.eu*

This cookie is created to prevent Cross-Site Request Forgery (CSRF). The cookie is a session cookie and is deleted when all the browser windows are closed.

(b) Special categories of personal data (Article 10)

The personal data collected reveal:

Racial or ethnic origin

Political opinions

Religious or philosophical beliefs

Trade union membership

Genetic, biometric or data concerning health
(i.e. data concerning physical and mental health)

Information regarding an individual's sex life or sexual orientation

N/A

(c) Personal data relating to criminal convictions and offences (Article 11)

Criminal record (or similar, e.g. declaration of good conduct)

N/A

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

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

Designated **FRA** staff members
(please specify which team and Unit-no need to mention specifically the names of colleagues)

The data analysts and statisticians from FRA's team will have access to the dataset. The analysis of the dataset will be done to provide fully anonymised and aggregated data and results from the Survey on Ukrainian Refugees, leading to FRA publications.

The data set can be accessed by the responsible head of the unit (Equality, Roma & Social Rights Unit) and delegated members of the project team.

Access to the dataset is also given to two FRA staff members from the Communications and events unit who are administrators of the Limesurvey application.

Recipients **outside** FRA:
(please provide a generic/functional mailbox)

-Certain employees of the external web development and web hosting contractors, who are bound by specific contractual clauses for any processing operations on behalf of FRA in accordance with Regulation (EU) 2018/1725.

-Flowmailer service provider. Flowmailer is FRA's contractor for email relays. All data processed by Flowmailer is safely stored in independently functioning Dutch data centers (Amsterdam region). Customer data therefore never leaves the European Union. This makes Flowmailer 100% GDPR compliant. Any company domiciled in the European Union is entitled to transfer personal data through Flowmailer under the same rules as if it were to transfer data within their country (i.e. BDSG).

7) Transfers to third countries or international organisations (Article 31.1 (e))⁶

If the personal data are transferred outside the European Economic Area or to international organisations, this needs to be specifically mentioned, since it increases the risks of the processing operation.

Transfer outside of the EU or EEA

Yes

No

⁶ **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 to which country:

Transfer to international organisation(s)

Yes

No

No such transfers are foreseen at the moment.

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

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"?

Data collected will be anonymised i.e. any metadata that could possibly identify an individual will be deleted.

The anonymised dataset will be stored indefinitely by FRA. The anonymised dataset may be indefinitely stored also by a data service (such as e.g. Gesis).

The email address of the respondent will be stored if the button "Resume later" is clicked and if the respondent provides an email address. The email address field is not mandatory. If an email address is provided it will be used to send the user an email with a link to the unsubmitted survey as well as their pseudonym and the redacted password, and it will be stored until the respondent completes the survey or until up to 48 hours after the survey deadline has expired.

At the end of the survey the respondent can provide up to 5 email addresses of children to whom the child survey URL will be sent. The link provided will be customised and will include an additional parameter indicating the response ID of the adult survey so that the survey responses of an adult can be linked to the survey responses of their children. These email addresses will not be stored in the Limesurvey dataset once they have been entered. Instead, the email addresses will be stored for 24 hours in the database linked to the FRA website and after this period they will be automatically deleted.

FlowMailer operational logs of the service (e.g. user access logs) are kept for 30 days after retention time (back up process). Email metadata (such as headers and time stamps) are saved for 3 years and the entire email (including the email addresses) is saved for 1 year.

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?

Document Management System (DMS)



FRA network shared drive	<input checked="" type="checkbox"/>
Outlook Folder(s)	<input type="checkbox"/>
CRM	<input type="checkbox"/>
Hardcopy file	<input type="checkbox"/>
Cloud (Microsoft Office 365. For further information, please refer to the relevant Data Protection Notice)	<input checked="" type="checkbox"/>

External contractor under the provisions of a framework contract.
 FRA undertakes to ensure security updates to the software and hosting environment take place in a timely manner.

The hosting consortium has security policies in place to ensure the physical and logical security for the infrastructure it operates. The consortium has also performed a security self-assessment to demonstrate the compliance of its Data Centre with the security requirements outlined by the ISO 27001 standard.

Added to this, the following sub-sections show the specific security measures at three levels:

1. FRA Platform environment, by means of 2 Fortinet firewalls.
2. FRA Applications, by means of Frontal Pro Web Application Firewall.
3. Physical security in the Data Center.

External contractor using European Commission's SIDE II – Group S contract

Flowmailer

Flowmailer service provider's datacenter is located in Amsterdam, Schipol-Rijk and Haarlem. Flowmailer is ISO27001 certified and access to the tool is limited to 2 FRA staff members via using 2-factor authentication. WAN traffic is encrypted by general-purpose hardware, with specialised cryptographic hardware holding and protecting cryptographic keys. All encryption methods used (key exchange/establishment, peer authentication, symmetric encryption, hashing, etc.) provide effective security strength equal to or greater than 128-bit. All encryption methods used are based on identified open industrial standards. All firewalls are state-full and rules can be applied to groups of objects.

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 Data Protection notice: e-mail to uas@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

Please note that the data is collected anonymously by the Agency, apart from email addresses, which are deleted after 48 hours (for more information, please refer to Sections 5 and 8 above). After this period, the Agency will not be able to identify any respondent in the dataset. Hence, the Agency will not be in the position to modify and/or delete any data stored, which will be already anonymised