

**FRA project on Assessing high-risk artificial intelligence: selected use-cases – additional interviews carried out by FRA**

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?

The purpose of the processing of the personal data is to collect information and data for the purpose of the FRA research project on 'Assessing high-risk artificial intelligence: selected use-cases' by conducting interviews and focus groups.

The project aims to provide research evidence on the understanding and needs of providers and users of AI in relation to the fundamental rights assessment of high-risk AI systems. The objective is not to come up with a new fundamental rights risk assessment model for AI, but rather to collect input on how such assessments could be meaningfully done in practice. The research should provide input based on an exploration of selected high-risk AI use cases in the areas of education, employment, access to public services benefits, law enforcement and migration as well as by covering the potential use of large language models for service provision.

To obtain an understanding of the above, interviews with providers, users/deployers and experts as well as three focus groups with rights-holders are needed. The interviews will cover a range of topics including questions on information and data needed for fundamental rights impact assessments as well as the experiences and practices of assessing fundamental rights by providers and users of high-risk AI. The focus groups will collect the views of relevant rights-holders on selected use cases.

The interviews and focus groups are part of wider research activities, which include the analysis of the data collected and the publication of the findings in a FRA report.

The present interviews will be carried out by FRA complementing the research carried out by FRA's external contractor for the project "Assessing high-risk artificial intelligence: selected use-cases".

## 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
- Contact details: email address, mobile number
- Employment details: position/function/title, name and type of the employer/organisation, address of the employer/organisation, opinions
- Family, lifestyle, and social circumstances (if disclosed by participants in the focus groups)
- Other: speech and image (audio and video recordings of interviews and focus group discussions)
- In case of interviews and focus group discussions conducted online via Microsoft Teams, device data may be collected (IP address, cookies, device metadata)

### (b) Special categories of personal data may be incidentally revealed during the interviews and/or focus groups (both by the responses of participants and through the image showed during online interviews):

- data revealing racial or ethnic origin
- political opinions
- religious or philosophical beliefs

- data concerning health or sexual orientation

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

The data will be collected for the purpose of semi-structured interviews conducted by FRA.

#### *3a. Information we receive from other sources:*

FRA will collect and process publicly available contact details of participants in the interviews by searching online for their name, employer's name, function title, telephone number, and email address. Such data will also be collected and processed if participants are approached through professional networks (relationships) of the research team, or networks of the employers and organizations selected to participate in the study. These personal data will be used to invite the respondents to these consultation activities and to communicate over the course of the project.

#### *3b. Information you provide us:*

You may provide us with missing contact or employer information that is not publicly available online, through the consent form that will be provided to you before the interview, such as: name, employer's name, function title, telephone number, and email address.

The interviews will be conducted face-to-face. In case of difficulties with organising interviews in-person, they may be conducted via a video call. The platform used to this end will be Microsoft Teams. For accuracy and note-taking purposes, and only with your consent, interviews will be audio and/or video recorded by FRA. If the interview is conducted online, it will be recorded using Microsoft Teams and stored on a FRA server. If it is conducted in person, it will be recorded on a standalone device, such as a mobile phone. If the recording is made using a mobile phone device, the interviewer will make sure that the data is only stored locally. After the interview, the interviewer will upload the recording to a FRA server and delete it from the standalone device. The recordings will be kept by FRA. The responses to the interviews and group discussions will be collected and summarised (in a pseudonymised form) in a report by FRA. Therefore, it may be possible that individuals are identifiable based on their job descriptions and affiliations in the summaries. The interview summaries and the data related to the interviewee will be stored separately. For more details see Section 10.

#### *3c. Information we collect about you*

Your IP address, connection details, cookies, and/or device information might be collected if the interviews take place online via Microsoft Teams. More information can be found in FRA's [data protection notice for the use of Microsoft Office 365](#).

### **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 the Justice, Digital and Migration Unit is responsible for this processing operation.

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

The processing operation is carried out in the public interest, and it is necessary to achieve the Agency's objective, as stated in Article 2 of its Founding Regulation (EC) No. 168/2007 (as amended) to provide its stakeholders, including Union institutions and EU Member States, with assistance and expertise relating to fundamental rights, including its tasks described in Article 4. The project is also included in FRA's Single Programming Document 2024 – 2026 Fiche B.2.5, which describes the project and is available [here](#).

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

In addition, since the participation in the above-mentioned interviews is not mandatory, we will request your consent to participate by means of a consent form, and to the audio and/or video recording of the interviews, for accuracy purposes.

Therefore, the processing is also in accordance with Article 5.1(d) of Regulation (EU) No 2018/1725.

The incidental processing of special categories of data (e.g. video revealing racial/ethnic origin) is lawful under Article 10(2)(a) of Regulation 2018/1725. Explicit consent will be requested on the consent form.

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

The details of interview participants (names, surnames, contact details, employment details) will be available to FRA staff working on the project. Access is restricted to authorized staff members and only these members have access rights to open the files. FRA will have access to these personal data as well as to the data collected via interviews discussions. Sub-processing will be conducted by Microsoft in cases of interviews discussions conducted online. All personal data will be deleted after the specified data retention period has passed (see point 10).

## **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 in June 2024.

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

FRA will keep the personal and contact details as well as audio recordings for one year after the project's end (until 12.11.2025) for the purpose of finalising the final FRA report. FRA will archive the anonymized summary records of the conversations and final report.

## **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 [AI-Project@fra.europa.eu](mailto:AI-Project@fra.europa.eu).

### **11.1. The value of your consent**

Since your participation is not mandatory, we need proof that you consented to participate in the interviews, as well as to their audio (and/or video) recording and to the incidental processing of special categories of personal data. Consent will be collected by email prior to your participation in the interview. 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 delete your data?**

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 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 [AI-Project@fra.europa.eu](mailto:AI-Project@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.

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