

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

NAME OF PROCESSING OPERATION²: – Interviews with experts and authorities for FRA’s project on the ‘Fundamental rights implications of the Entry-Exit System’ (FRANET Service Request 19)

Reference number: DPR-2024-205
Creation date of this record: 18/01/2024
Last update of this record: 19/01/2024
Version: 1

Part 1 (Publicly available).

1) Controller(s)³ of data processing operation (Article 31.1(a))
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: Justice, Digital & Migration Unit Contact details: migration@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) <input checked="" 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?

6 FRANET contractors through an existing framework contract. Please find the contact details [here](#).

Bulgaria: Project One - Center for the Study of Democracy.

Estonia: Tallinn University.

France: French Institute for Human Rights and Civil Liberties (IFDL).

Germany: German Institute for Human Rights (GIHR).

Italy: Giacomo Brodolini Foundation.

Poland: Helsinki Foundation for Human Rights.

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 collect information and data for the purpose of a research project on the *Fundamental rights implications of the Entry/Exit System (EES)*, which is a database that will record and store information on the entry and exit of short-stay visa-bound and of visa-free travellers coming for a short stay to the EU.

Through its membership in the European Travel Information and Authorization System (ETIAS) Fundamental Rights Guidance Board (Article 10 of the ETIAS Regulation), FRA has a legal obligation to provide regular appraisals and issue recommendations to the ETIAS Screening Board, in particular with regard to privacy, personal data protection and non-discrimination.

Since EES data will feed into the ETIAS algorithm, it is crucial to understand fundamental rights implications of EES. Therefore, this research project will cover fundamental rights implications of EES that may arise before a third-country national enters the territory of the EU as well as during the border crossing procedure.

This project consists of fieldwork research (FRANET IV Service Request 19) in 6 Member States (Bulgaria, Estonia, France, Germany, Italy and Poland) in the form of interviews with EES experts as well as a roundtable to discuss preliminary findings. The information from the interviews will feed into the preparation of a report to be published in 2024. The objective of the expert interviews and the roundtable is to provide FRA with primary country specific data and information on fundamental rights implications, gaps, challenges and promising practices in the preparation and implementation of the EES.

In order to carry out interviews and organise the roundtable, experts' contact details and professional background information need to be collected. This personal data will be collected through the consent forms that will be provided to the interviewees before the interview, and during the interview, which will be conducted in person or through digital channels, e.g. internet and/or telephone or video call by FRA's FRANET contractors in the 6 countries covered by the research. Moreover, expert's personal data collected during the interview may be used to invite them to participate to the roundtable.

For accuracy and note taking purposes, interviews will be audio- and/or video-recorded upon your consent.

FRA will not include any names of the interviewee in the final report. All recordings will be destroyed as indicated in section 8 below. Moreover, at any point during the interview, interviewees can indicate that they do not wish to be recorded.

In case an interview and/or the roundtable take place online, FRANET contractors are requested to inform interviewees or participants before the meetings take place about which online conference tool they will use for the interview and to provide a link to the tool's website where the tool's data protection policy can be found. IT servers used by FRANET contractors to collect and process the data are based within the EU.

FRANET contractors may undertake research and find the contact details of the persons to be interviewed via online research, civil society organisations or other organisations and authorities of the respective EU Member State.

Participation is voluntary. Interviewees and participants to the roundtable can discontinue their participation at any time or refuse to answer any question without consequence of any kind and without giving a reason.

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

Whose personal data are being processed?

FRA staff

Non-FRA staff

Representatives/staff from national authorities, representatives of civil society organisations, independent experts, etc.

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

Please tick all that apply and give details where appropriate

(a) **General personal data.**

Personal details (name, surname).

Contact details (email address, phone number).

Education & Training details.

Employment details (work experience, languages, name, and type of the employer/organisation, address of the employer/organisation).

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

Family, lifestyle and social circumstances.

Goods or services provided.

Other (please give details):

- If the interviews and/or the roundtable with the experts take place online, IP addresses, cookies, metadata or information about participants' devices might be collected by the online tools used to carry out the interview or the roundtable.
- If the interviews are audio and/or video recorded upon consent, voice and/or image of the participant will be processed.

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

Should the interviews and/or the roundtable with the experts take place online, racial or ethnic origin, political opinions and/or religious or philosophical beliefs might be incidentally revealed by the image when participants switch on their cameras.

Racial or ethnic origin	<input checked="" type="checkbox"/>
Political opinions	<input checked="" type="checkbox"/>
Religious or philosophical beliefs	<input checked="" 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"/>
N/A	<input checked="" type="checkbox"/>

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

Criminal record (or similar, e.g. declaration of good conduct)	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>

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	<input checked="" type="checkbox"/>
Designated staff members of FRA's Justice, Digital & Migration Unit and the Equality, Roma & Social Rights Unit working on the project.	
Recipients outside FRA:	<input checked="" type="checkbox"/>
Designated staff of the FRANET contractors carrying out the interviews (please refer to Section 2 above).	

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

If yes, specify to which country:

Transfer to international organisation(s)

Yes

No

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

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.

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"?

The personal data referred to in section 2 above, as well as consent forms, will be kept for 24 months after the final date of implementation of the project as indicated in the respective FRANET contracts. All data held by FRA and contractors will then be deleted. Anonymised research material, e.g. reporting templates, will be kept indefinitely.

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) | <input checked="" type="checkbox"/> |
| 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 (MS 365, see record here)	<input checked="" type="checkbox"/>
Servers of external provider	<input checked="" type="checkbox"/>
Other: The data is stored by FRANET contractors in the EU and not transferred outside EU.	

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 migration@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