

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

NAME OF PROCESSING OPERATION²:

Setting-up an online platform in the framework of the regional project “Supporting National Human Rights Institutions in monitoring fundamental rights and the fundamental rights aspects of the rule of law”.

Reference number: DPR-2023-195 (to be completed by the DPO)
Creation date of this record: 08/11/2023
Last update of this record: 09/11/2023
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: Institutional Cooperation and Networks Unit Contact details: NHRBteam@fra.europa.eu . Data Protection Officer (DPO): dpo@fra.europa.eu

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.

2) Who is actually conducting the processing? (Article 31.1(a))⁵

The data is processed by the FRA itself

The data is processed also by a third party (contractor) – ICF S.A., registered in Brussels, Belgium, acting on behalf of FRA as its processor.

Through a public procurement procedure, ICF S.A. has been contracted by the FRA to, among other tasks, set-up an online communication platform aimed at fostering and facilitating communication among project partners. The chosen online platform is Microsoft Teams.

Contact point at external third party: dataprotection@icf.com

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).

In the framework of the “Supporting National Human Rights Institutions in monitoring fundamental rights and the fundamental rights aspects of the rule of law” project, an online platform aimed at fostering and facilitating communication among partners will be set up. In this context, we will collect and maintain personal data of representatives of all project partners (from Bulgaria, Croatia, Cyprus, Latvia, Poland, Slovakia, Slovenia and the European Network of National Human Rights Institutions ENNHRI) with the aim to invite them to join the Team created on Microsoft Teams. The Teams channel will be used to:

- Facilitate interactions and exchange of information and among project partners;
- Host online meetings;
- Work collaboratively;
- Share files and best practices;
- Access and collect data in a structured way via common project folders

The files shared via the platform will be structured and stored in project folders in Teams. Online meetings and/or interviews may be recorded for later access and review of what has been discussed/decided.

FRA will centralise the names, contact details (e-mail addresses), affiliated organisation and positions in those organisations of the representatives of the project partners in an Excel file on DMS Sharepoint accessible to a restricted number of FRA personnel in charge with the good implementation of the project. The list will also be shared with the contractor, ICF S.A., which will add participants to the channel. The participants will receive an e-mail with a link to the channel.

⁵ Is the FRA itself conducting the processing? Or has a provider been contracted?

For the purpose of the online collaboration platform, ICF's uses Microsoft Teams (MS Teams) enterprise corporate collaboration platform. MS Teams hosts data in the EU and will process the data mentioned in section 5 in the context of the channel.

For the purpose of drawing-up the list of persons who will be invited to join the Teams channel, we will ask your employer, via the contact person for the respective project partner, for your personal data mentioned in section 5. This list will be shared with an external contractor – ICF S.A. for the purpose of inviting the nominated persons to join the online platform.

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

Whose personal data are being processed?

FRA staff	<input checked="" type="checkbox"/>
Non-FRA staff (representatives of project partners – National Human Rights Institutions and ENNHRI)	<input checked="" type="checkbox"/>

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 and surname)	<input checked="" type="checkbox"/>
Contact details (email address)	<input checked="" type="checkbox"/>
Employment details (function/title and name and type of the employer/organisation, address of the employer/ organisation)	<input checked="" type="checkbox"/>
Education & Training details	<input 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):	<input checked="" type="checkbox"/>

In the context of the channel created in Teams, the content of the meetings and conversations chats, voicemail, shared files, recordings, and transcriptions. Personal data associated with your Teams usage include your name, email, IP, device and usage data, information about you or your activity that you share via the channel with other group members.

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

The personal data collected may reveal:

Racial or ethnic origin

Racial or ethnic origin might be revealed by the image and video recording, in case of online meetings hosted in the Teams channel.

Religious or philosophical beliefs

Religious or philosophical beliefs may be revealed by the image and video recording, in case of online meetings hosted in the Teams channel.

Political opinions

Political opinions may be revealed by the image and video recording, in case of online meetings hosted in the Teams channel.

Trade union membership

Genetic, biometric or data concerning 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

A restricted number of FRA staff responsible for the implementation of the above-mentioned project will have access to the collected personal data.

Recipients **outside** FRA:

A restricted number of ICF S.A. (processor) staff responsible with the set-up and maintenance of the online platform together with the ICF project management team will have access to your personal data. ICF is bound by specific contractual clauses for any processing operations on behalf of FRA, and by the confidentiality obligations deriving from Regulation (EC) 2018/1725).

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

However, the transfer of limited personal data (diagnostic data) outside the EU and EEA might occur when using MS Teams to perform the tasks related to the project partners' participation in the meetings. Moreover, as Microsoft is a US based company, it is subject to US Surveillance laws. Such transfers fall under the adequacy decision for the [EU-US Data Privacy Framework](#) adopted by the European Commission on 10 July 2023.

If yes, specify to which country:

Transfer to international organisation(s)

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 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"?

The data will be kept for 6 months after the implementation period of the project will end (the implementation period will end on 29 February 2024).

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) | <input checked="" type="checkbox"/> |
| Servers of external provider | <input checked="" type="checkbox"/> |

Since a dedicated private Teams group will be created on ICF's server, where representatives of all project partners will be invited to join, participants' personal data will be stored on FRA's external contractor's server, which is deemed to implement technical and security measures in accordance with the data protection clauses under the respective contracts.

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 NHRBteam@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