

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

NAME OF PROCESSING OPERATION²: Data processing for the purpose of conducting the research project “Providing evidence on bias when using algorithms – simulation and testing of selected cases”

Reference number: DPR-2021-127 (to be completed by the DPO)
Creation date of this record: 16.02.2021
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Version:

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: Research and Data Unit Contact details: AI-Project@fra.europa.eu Data Protection Officer (DPO): dpo@fra.europa.eu</p>

2) Who is actually conducting the processing? (Article 31.1(a))⁵
The data is processed by the FRA itself <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?

The data is processed also by a third party (contractor) [Rania Wazir e.U., processor]



Contact point at external third party:

Rania Wazir, info@raniawazir.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).

Data will be collected for the purpose of conducting two experiments as part of the “Providing evidence on bias when using algorithms – simulation and testing of selected cases” project:

- Simulation of a feedback loop potentially occurring when algorithms are used for decision-making in the area of predictive policing with respect to potential ethnic profiling based on a computer simulation, and
- Algorithmic simulation aiming at identifying racial and gender bias (or a combination of both) enshrined in existing machine learning tools/algorithms that could be used for hate speech detection and/or sentiment analysis of text.

The data collected for the purpose of the first simulation (aggregate criminal statistics on a district level) will not include any personal data.

The data collected for the purpose of the second simulation (social media comments) should not, in principle, include any personal data. However, personal data may be included in these data collection, and personal data may be inferred from the data collected.

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

Whose personal data are being processed?

FRA staff

Non-FRA staff (Social media users)

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

Please tick all that apply and give details where appropriate

The following data should not, in principle, be collected, but may result within the data collected, or be inferred from the data collected.

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

- | | |
|---|-------------------------------------|
| Personal details (e.g. name, surname, gender, nationality, | <input checked="" type="checkbox"/> |
| Contact details (e.g. postal address, email address, mobile and fax number) | <input type="checkbox"/> |
| Education & Training details | <input type="checkbox"/> |
| Employment details (e.g. work experience, languages, name and type of the employer/organisation, address of the employer/ organisation) | <input type="checkbox"/> |
| Financial details (e.g. financial identification form, bank account information) | <input type="checkbox"/> |
| Family, lifestyle and social circumstances | <input checked="" type="checkbox"/> |
| Goods or services provided | <input checked="" type="checkbox"/> |
| Other (please give details): Comments posted online. | |

(b) Sensitive personal data (Article 10)

The personal data collected reveal:

- | | |
|--|-------------------------------------|
| 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 checked="" type="checkbox"/> |
| N/A | <input 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 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

- Selected members of the Research and Data Unit

Recipients **outside** FRA:

Rania Wazir, info@raniawazir.com

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:

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.

- 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 retained until final approval of all project's deliverables, and the final payment of the contractor. The data will be retained for a maximum period of two years beginning after the end of the contract.

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 (give details, e.g. cloud provider) | <input type="checkbox"/> |
| Servers of external provider | <input checked="" type="checkbox"/> |
| Other (please specify): | |

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 privacy notice: e-mail to AI-Project@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

Part 2 – Compliance check and risk screening (internal)

11) Lawfulness of the processing (Article 5(a)–(e))⁷: Processing necessary for:
Mention the legal basis which justifies the processing and assess that the purposes specified are purposes specified, explicit, legitimate.

⁷ 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; 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.