

**RECORD OF PROCESSING ACTIVITY  
ACCORDING TO ARTICLE 31 REGULATION 2018/1725<sup>1</sup>  
NOTIFICATION TO THE DATA PROTECTION OFFICER**

**NAME OF PROCESSING OPERATION<sup>2</sup>: Consultation of stakeholders in the context of the specific contract 04 under FWC 21-3030-04/ EU Agency for Fundamental Rights**

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| Reference number: DPR-2023-177           |
| Creation date of this record: 16/12/2022 |
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**Part 1 (Publicly available)**

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| <b>1) Controller(s)<sup>3</sup> of data processing operation (Article 31.1(a))</b>   |
| <p>Controller: European Union Agency for Fundamental Rights (FRA)<br/>         Schwarzenbergplatz 11, A-1040 Vienna, Austria<br/>         Telephone: +43 1 580 30 – 0<br/>         Email: <a href="mailto:information@fra.europa.eu">information@fra.europa.eu</a><br/>         Organisational unit <b>responsible<sup>4</sup></b> for the processing activity: Corporate Services<br/>         Contact details: <a href="mailto:planning@fra.europa.eu">planning@fra.europa.eu</a><br/>         Data Protection Officer (DPO): <a href="mailto:dpo@fra.europa.eu">dpo@fra.europa.eu</a></p> |

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| <b>2) Who is actually conducting the processing? (Article 31.1(a))<sup>5</sup></b>   |
| <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)</p> <p>ICF S.A.<br/>         Avenue Marnix 17, B-1000, Brussels</p> |

<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>

<sup>2</sup> **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.

<sup>3</sup> In case of more than one controller (e.g. joint FRA research), all controllers need to be listed here

<sup>4</sup> This is the unit that decides that the processing takes place and why.

<sup>5</sup> Is the FRA itself conducting the processing? Or has a provider been contracted?

Belgium



Contact point at external third party: [FRA\\_study@icf.com](mailto:FRA_study@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).*

A selected number of FRA's stakeholders from within and outside the FRA will be consulted to (a) participate in online surveys to gather feedback on their satisfaction with the FRA and to provide feedback on specific publications they have accessed (b) provide verbal feedback on the FRA through semi-structured interviews. This is done in the context of facilitating the operations of performance monitoring, reporting, and evaluation and feedback on FRA activities.

For the purpose of the survey, the data processor will use the [Qualtrics](#) online survey tool.

The scope of the consultations will be to include a stakeholder perspective in the context of FRA's Consolidated Annual Activity Report in terms of their feedback and inputs relating to the activities and outputs delivered in 2022.

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

*Whose personal data are being processed?*

FRA staff



Non-FRA staff (FRA's stakeholders.)



### 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 (name, surname)

Contact details (email address, phone number)

Education & Training details

Employment details (function, work experience, opinions)

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

Family, lifestyle and social circumstances

Goods or services provided

Other (please give details):

In the context of the online survey tool (Qualtrics) used by the contractor (ICF):

-IP address (to 'prevent and protect against fraud and malicious activity, and to ensure the security of the website, app or cloud service of Qualtrics', see [Privacy Statement](#))

-Cookies (as further described in Qualtrics' [Cookie Statement](#); in this document it is also explained how the data subject can exercise its preferences)

**(b) Sensitive 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

Information regarding an individual's sex life or sexual orientation

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:

Designated persons **outside** FRA: Selected Staff members of ICF -   
[FRA\\_study@icf.com](mailto:FRA_study@icf.com)

**7) Transfers to third countries or international organisations (Article 31.1 (e))<sup>6</sup>**

*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:**

United Kingdom

\*Note by the contractor (ICF) regarding the online survey tool to be used (Qualtrics): In contracting with Qualtrics, ICF's agreement specifies that all survey data is stored in Germany with back up servers contained in Ireland. ICF does not make use of Qualtrics' supplementary services which may lead to data transfers outside of the EU. Further, ICF very rarely needs to liaise with Qualtrics' customer support services but when necessary, it liaises with Qualtrics' offices in the EU which are located in Ireland, France, Germany, Spain, Italy and the Netherlands.

**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 relevant [European Commission's adequacy decision](#) (Article 47)

<sup>6</sup> **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.

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"?*

ICF will keep the data until **30/06/2023**. After this date, all personal data will be deleted.

**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?**

FRA DMS

Outlook Folder(s)

CRM

Hardcopy file

Cloud (MS 365)

See also the [record of process activity](#) for the use of Microsoft Office 365

Servers of external provider

Other (please specify): The data collected by ICF for this project will be stored on the ICF internal server located in Microsoft data centres within the European Union and accessed by ICF personnel in the United Kingdom. All electronic data held by ICF is backed up centrally on the servers on a daily basis. Backed up data is also securely stored off-site either within secondary corporate facilities or within Microsoft's Azure Cloud (EU Datacentres). The data is explicitly tied to the Data Centre location and no transfers outside of the EU can/will occur (except for the access from UK by ICF, which is covered on the basis of the relevant European Commission's adequacy decision (see under 7 above).

**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 [planning@fra.europa.eu](mailto:planning@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 5.1.(a)–(e))<sup>7</sup>: Processing necessary for:  
*Mention the legal basis which justifies the processing and assess that the purposes specified are purposes specified, explicit, legitimate.*

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<sup>7</sup> 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.