

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

NAME OF PROCESSING OPERATION²:

Stakeholder Consultation in the context of the Third FRA Second survey on discrimination and hate crime against Jews in the EU

Reference number: DPR-2020-170 (to be completed by the DPO)
Creation date of this record: 19.9.2022
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Version: 1.0

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: Justice, Digital and Migration Unit Contact details: antisemitism-survey@fra.europa.eu Data Protection Officer (DPO): dpo@fra.europa.eu</p>

2) Who is actually conducting the processing? (Article 31.1(a))⁵
<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) <input checked="" type="checkbox"/></p>

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?

Kantar Public is acting as data processor, Kantar Public is working with several sub-contractors that will be sub-processors:

Austria	Kantar Info Research Austria
Belgium	Kantar Public Belgium
Czechia	Public Opinion Research Centre
Denmark	Kantar Public
France	Kantar Public
Germany	Kantar Public
Italy	Lexis Ricerche
Hungary	Hungarian Social Research Institute
The Netherlands	Kantar Public
Poland	Kantar Polska S.A.
Romania	Research Institute for Quality of Life
Spain	Kantar Public
Sweden	Kantar Public
Thematic expert	European Union for Progressive Judaism

Contact point at external third party (Privacy/Data Protection Officer):

GDPR@kantar.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).

The stakeholder consultation is part of the preparatory work of the Third survey on discrimination and hate crime against Jews in the EU, an online survey among persons self-identifying as being Jewish on their experiences of and perceptions on Jewish life, antisemitism, hate-crime and discrimination. The countries covered are Austria, Belgium, Czechia, Denmark, France, Germany, Italy, Hungary, The Netherlands, Poland, Romania, Spain, Sweden.

The purpose of stakeholder consultations/expert interview is to gain further insight in the size and landscape of the Jewish population in the survey countries and to explore ways of how to best disseminate the survey link once the survey is launched.

The information collected from the stakeholders is mainly factual (estimations of population sizes, changes in the population, awareness raising channels) etc. and does not pertain to the stakeholders as individuals, only to the information they have as representatives of their respective organisations or otherwise in their expert capacity. The personal data needed concerns information necessary to schedule and conduct the interviews with the stakeholders/experts and for FRA to assess the quality of the contractor's work while performing these tasks.

Despite focusing on factual questions, it might be that during the interview the experts provide sensitive data that may reveal political opinions, religious/philosophical beliefs, racial or ethnic origin, etc. This will be part of the data processing.

The names and contact details of the experts were obtained through our desk research and professional networks. They will be contacted via email or phone to arrange an interview. The consultations will be done in the form of a semi-structured interview (either face-to-face or online). In case of an online interview, the experts will be informed ahead of time on the tool used and consent will be requested. The interview will, with consent, be audio-recorded for note taking purposes.

The processing of personal data (name, contact details, job title, organisation) of the stakeholders is needed for transparency reasons to link the information provided in the interviews about the size and characteristics of the Jewish population in the survey country to a specific expert (data quality control). The names/contact details of the experts will not be published. The job title/function of the experts as well as the organisations will be listed (separately) in the technical report as sources for transparency reasons if the experts give consent. The participation of the stakeholders is voluntary.

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

Whose personal data are being processed?

FRA staff

Non-FRA staff (Experts on Jewish populations in selected EU countries)

The planned distribution of experts to be interviewed by country is as follows: 13 countries in total, Austria (1), Belgium (2) Czech Republic (1) Denmark (1) France (3) Germany (3) Hungary (2) Italy (2) Poland (1) Romania (1) Spain (1) Sweden (1) The Netherlands (2)

The data collected is factual information arising from the stakeholder's area of expertise and does not cover personal experiences/opinions. It might be that during the interview the experts provide sensitive data that may reveal political opinions, religious/philosophical beliefs, racial or ethnic origin, etc. This will be part of the data processing.

The data will be collected face-to-face (via online tools) through semi-structured interviews and will be recorded, if experts consent to the recording. In case of an online interview, the experts will be informed ahead of time on the tool used and consent will be requested. The interview will, with consent, be audio-recorded for note taking purposes.

The selection of the stakeholders is based on the type of organisation they represent as well as on their expertise in the field.

The factual information given by the stakeholders will be analysed by way of triangulation with the information gained through the desk research and summarised in the project's background report. The information provided is used as the basis for the benchmarks for sampling and for the awareness raising plan.

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) | <input checked="" type="checkbox"/> |
| Contact details (email address, phone number) | <input checked="" type="checkbox"/> |
| Education & Training details | <input type="checkbox"/> |
| Employment details (job title/function, name of organisation/employer) | <input checked="" type="checkbox"/> |
| Other (please give details): | |

(b) Special categories of 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 checked="" type="checkbox"/> |
| Genetic, biometric or data concerning health | <input checked="" type="checkbox"/> |
| Information regarding an individual's sex life or sexual orientation | <input checked="" type="checkbox"/> |

Despite focusing on factual questions, it might be that during the interview the experts provide sensitive data that may reveal political opinions, religious/philosophical beliefs, racial or ethnic origin, etc. This will be part of the data processing.

N/A	<input checked="" type="checkbox"/>
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(c) Personal data relating to criminal convictions and offences (Article 11)

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

Justice, Digital and Migration Unit, Institutional Cooperation & Networks Unit, Equality, Roma & Social Rights Unit

A restricted number of staff members (limited to the project members and specific persons assigned to the topic) will have access to the non-anonymised interview recordings and personal data.

Recipients **outside** FRA:

(please provide a generic/functional mailbox)

Contractor's research staff (for the duration of the contract + 12 months) – Kantar Public and its sub-contractors (see list above). The interviews will be recorded and documented for further analysis. No personal data other than job title/function and organisation (published separately for anonymity reasons) will be publicly displayed.

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

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.

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 personal data will be stored on the FRA and Kantar Public Belgium internal server in a secure environment according to data protection guidelines and kept for a maximum of 12 months from the date of delivery of the final contractual obligation (the final project report) after which they will be deleted by Kantar Public. Retaining the information for 12 months after the contractor has completed their work is necessary to allow FRA to carry out any final quality checks which may be needed as the results of the survey are analysed, and for FRA to ask the contractor to provide clarifications, as necessary.

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 type="checkbox"/> |
| Outlook Folder(s) | <input type="checkbox"/> |
| CRM | <input type="checkbox"/> |
| Hardcopy file | <input type="checkbox"/> |
| Cloud (Microsoft Office 365. For further information, please refer to the relevant Data Protection Notice) | <input checked="" type="checkbox"/> |
| Servers of external provider | <input checked="" type="checkbox"/> |

Other (please specify):

The data is stored by the contractor Kantar in the EU and no transferred outside EU; the data transmission between the contractor and the FRA takes places via a secure network ("kiteworks")

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: dpo@fra.europa.eu.

Data subject rights

- Right of access
- Right to rectification
- Right to erasure (right to be forgotten)
- Right to restriction of processing
- N/A 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.