

**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 21-3030-03/ FWC 2 / FRA / 06 'Ex-ante, interim and ex-post evaluations of FRA projects'**

Reference number: DPR-2023-194
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**Part 1 (Publicly available)**

<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)          Schwarzenbergplatz 11, A-1040 Vienna, Austria          Telephone: +43 1 580 30 – 0          Email: <a href="mailto:information@fra.europa.eu">information@fra.europa.eu</a>          Organisational unit <b>responsible<sup>4</sup></b> for the processing activity: Corporate Services          Contact details: <a href="mailto:planning@fra.europa.eu">planning@fra.europa.eu</a>          Data Protection Officer (DPO): <a href="mailto:dpo@fra.europa.eu">dpo@fra.europa.eu</a></p>

<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) <input checked="" type="checkbox"/></p> <p>ECORYS EUROPE EEIG-GEIE acting as FRA's processor.</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?

Rue Belliard 12, B-1040 Brussels, Belgium

Contact point at external third party: Joanna Smętek at [europa@ecorys.com](mailto:europa@ecorys.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 stakeholders from within and outside FRA will be consulted to provide feedback on FRA work through: (a) semi-structured in-depth individual interviews; (b) focus group discussions and, if needed, (b) an online survey to gather information on their satisfaction with the FRA and specific publications they have accessed. This is done in the context of facilitating the operations of performance monitoring, reporting, and evaluation and feedback on FRA activities.

The scope of the consultations will be to include a stakeholder perspective in the context of ex-ante, interim and ex-post evaluations of a selected group of FRA projects, according to the planned projects included in the FRA's Single Programming Document 2023-2025.

For online surveys, FRA's contractor ECORYS has an agreement with the [Lime Survey](#) provider which, for the purposes of communicating with the stakeholders, might collect and process some personal data (such as IP addresses, metadata or information about devices).

For interviews and focus group discussions, ECORYS will use the [Microsoft Teams](#) (MS Teams) software. Ecorys has a standards MS Teams license for businesses. The data likely to be processed include name, surname, email and IP address and metadata necessary to provide the service.

### 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)   | <input checked="" type="checkbox"/> |
| Contact details (email address, phone number)                                    | <input checked="" type="checkbox"/> |
| Education & Training details   | <input type="checkbox"/>            |
| Employment details (function, work experience)                                   | <input checked="" 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 online stakeholder consultations, IP addresses, cookies, metadata or information about participants' devices might be collected by the online tools used to carry out the consultation (LimeSurvey and MS Teams as indicated above).

- In the context of the semi-structured interviews, focus groups and online survey, opinions provided by the stakeholders might also be collected.

### (b) Sensitive personal data (Article 10)

The personal data collected reveal:

Racial or ethnic origin

Racial or ethnic origin might be revealed by the image, in case of online consultations.

Political opinions

Political opinions may be revealed by the image, in case of online consultations.

Religious or philosophical beliefs

Religious or philosophical beliefs may be revealed by the image, in case of online consultations.

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.

Designated persons **outside** FRA:



Names, surnames, email addresses and phone numbers of selected FRA stakeholders members as well as selected FRA staff will be shared with the designated staff of the external evaluator (ECORYS).

Selected Staff members of ECORY, which are bound by specific contractual clauses for any processing operations of stakeholders' personal data on behalf of FRA, and by the confidentiality obligations deriving from Regulation (EC) 2018/1725).

The responses provided by the relevant stakeholders will only be available to and assessed by the external evaluator. No other parties (also not FRA) will have access to the responses prior to anonymisation.

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

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 stakeholders' participation in the interviews. MS Teams servers are based in the UK and therefore, the processing of personal data and any transfer fall under the adequacy decision for the [EU-UK adequacy decision](#) adopted by the European Commission on 28 June 2021. 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:**

United Kingdom.

**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.

<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.

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"?*

ECORYS will keep the data until **30/09/2024**. 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 network shared drive         | <input checked="" type="checkbox"/> |
| Outlook Folder(s)                | <input checked="" type="checkbox"/> |
| CRM                              | <input type="checkbox"/>            |
| Hardcopy file                    | <input type="checkbox"/>            |
| Cloud ( <a href="#">MS 365</a> ) | <input checked="" type="checkbox"/> |
| Servers of external provider     | <input type="checkbox"/>            |

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