

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

NAME OF PROCESSING OPERATION²:

Functioning of the Bodies of the Agency (Management Board, Executive Board, Scientific Committee)

Reference number: DPR-2018-038
Creation date of this record: 21/12/2018
Last update of this record: 17/03/2022
Version: 5

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 responsible ⁴ for the processing activity: Institutional Cooperation and Networks Unit Contact details: FRA-MB-Secretariat@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)

(Specify if they are processors or joint controllers)

For the sharing of documents, the Agency uses MS Teams cloud services and therefore, Microsoft Ireland is the Agency's processor in this case, on the basis of the inter-institutional framework contract signed between DIGIT and Microsoft Ireland for the provision of M365 services, of which the Agency is a part.

In case of online and hybrid meetings, processors may also include the respective contractor selected for the organisation of the meetings, under the terms of the corresponding contract. Data subjects are informed in the respective specific data protection notice.

Other online tools/systems used for the sharing of files, and/or online consultation and/or scheduling meetings of the members of the Bodies of the Agency, are separate controllers for the personal data they process. To learn more on how the following tools/systems process their data, data subjects are referred to the privacy policies of:

- [Nextcloud](https://europa.eu/nextcloud/) (europa.eu) (for the distribution of documents)
- [Doodle](https://www.doodle.com/) (poll surveys software for the purpose of scheduling meetings of the members of the Bodies of the Agency)
- [LimeSurvey](https://www.limesurvey.com/) (professional online survey tool)

Contact point at external third party (e.g. Privacy/Data Protection Officer – use functional mailboxes, not personal ones, as far as possible):

The contact point for all processing operations is the Agency.

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 purpose of the processing of the personal data is organisation of meetings (face-to-face, virtual or hybrid) of the Bodies of the Agency (Management Board, Executive Board and Scientific Committee), the circulation of information, the management of the contact database, and sharing of documents linked to the

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

Bodies functioning and the performance of the tasks assigned to them by the Agency's Founding Regulation.

The processing of financial information is necessary for the reimbursement of expenses to the members of the Bodies of the Agency in the performance of their tasks (where applicable) and their participation in face-to-face meetings.

Additionally, Art 12.2 of the Founding Regulation states that the list of the MB members should be made public and updated in the Agency's webpage. Art 16 states that MB members should make a statement of interest in writing. Such statements accompanied by a short CV of Management Board Members should be published on the Agency website. CVs, declarations of interest and the Commitment and confidentiality of the SC members are also published on the Agency's website.

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

Whose personal data are being processed?

- | | |
|---|-------------------------------------|
| FRA staff | <input type="checkbox"/> |
| Non-FRA staff
(Management Board Members and alternate members, Executive Board members, Scientific Committee members, observers, invited guests) | <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** (add or delete as appropriate – the data in the brackets are only examples)

- | | |
|---|-------------------------------------|
| Personal details (prefix, name, surname, date of birth, nationality, ID or passport copy) | <input checked="" type="checkbox"/> |
| Contact details (email address, phone, mobile and fax numbers, postal address) | <input checked="" type="checkbox"/> |
| Education & Training details (CVs) | <input checked="" type="checkbox"/> |
| Employment details (function/title, name and type of the employer/organisation, work experience) | <input checked="" type="checkbox"/> |
| Financial details (financial identification form, bank account information) | <input checked="" type="checkbox"/> |
| Family, lifestyle and social circumstances | <input type="checkbox"/> |

Goods or services provided

(b) **Other:**

- Declarations of interest and, in the case of Scientific Committee members, a declaration of Commitment of independence and confidentiality

-Image, messages, chat, questions, FRA documents, audio and/or video recordings of the participants in case meetings take place online or in a hybrid format, or audio-recording in case of face-to-face meetings (only for the purposes of minutes taking)

-IP addresses and/or cookies may also be collected in case the meetings take place online or in a hybrid format. Data subjects will be informed accordingly in the data protection notice for the specific event. Moreover, this data may be collected also depending on other online tools/systems used for the sharing of files, and/or online consultation and/or scheduling meetings of the members of the Bodies of the Agency, which act as separate controllers for the personal data they process. To learn more on the specific categories of personal data which might be processed in each case, data subjects are referred to the respective privacy policies (see Section 2 above)

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

The personal data collected reveal:

Racial or ethnic origin (might be revealed by the image and video recording, in case of online or hybrid meetings)

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

(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

Limited number of the Agency's staff responsible for MB activities, finance staff (financial information), and Digital Services staff (technical support).

Recipients **outside** FRA:

- Microsoft in its capacity as the processor providing the MS Teams cloud services. Any processing by the processor adheres to the conditions of M365 processing operation provided under the inter-institutional framework contract.
- In case of online and hybrid meetings, the respective contractor selected for the organisation of the meetings, under the terms of the corresponding contract. Data subjects are informed in the respective specific data protection notice.
- Recipients may also include organisation providing other online tools/systems used for the sharing of files, and/or online consultation and/or scheduling meetings of the members of the Bodies of the Agency, which are separate controllers for the personal data they process.
- Financial or legal identification forms are transferred to the European Commission (DG Budget) in order to validate data subjects' details in the European Union's accounting system ABAC. Data is processed in this regard in line with their data protection statement.

7) Transfers to third countries or international organisations (Article 31.1 (e))⁶

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 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

For the use of MS Teams cloud services, only diagnostic data covered by standard contractual clauses may be sent to Microsoft in the United States. For further information, please refer to the specific Notice on the use of Microsoft Office 365 [here](#).

In the context of the additional online tools/systems used for the sharing of files, and/or online consultations and/or scheduling meetings of the members of the Bodies of the Agency, transfers outside of the EU and EEA might take place. Data subjects are referred to the respective privacy policies (see Section 2 above)

No other transfers outside of the EU or EEA will take place.

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:

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"?*

End of membership of the Management Board/ Executive Board/ Scientific Committee term of office plus one year.

For the MS Teams based extranet processing, the data subjects' personal data are removed once their term expires and access rights are removed.

The data related to the Financial and Legal identification form is kept by the relevant DG Budget services for a maximum of 10 years after the last transaction of data related to the data subject (see [data protection statement](#)).

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 (Microsoft Teams) | <input checked="" type="checkbox"/> |

MS Teams based extranet: The Agency set up a MS Teams based extranet to allow the Agency to securely share documents with the FRA Board members. In this regard the member's name and email address is processed on the Agency's Microsoft based tenant. The mentioned personal data is also processed in the Agency's Office 365 installation in secure manner and in accordance with the related data protection regulation provisions. More details are available on the M365 processing operation record.

Servers of external provider

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 Data Protection notice: e-mail to:

FRA-MB-Secretariat@fra.europa.eu (for Management Board members) or
scientific-committee@fra.europa.eu (for Scientific Committee members)

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