

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

NAME OF PROCESSING OPERATION²: Handling Staff Declarations of Conflict of Interest at FRA

Reference number: DPR-2022-143
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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 responsible⁴ for the processing activity: Corporate Services Contact details: Recruitment@fra.europa.eu ; ethics@fra.europa.eu Data Protection Officer (DPO): dpo@fra.europa.eu

2) Who is actually conducting the processing? (Article 31.1(a))⁵
The data is processed by the FRA itself <input checked="" type="checkbox"/>
The data is processed also by a third party (contractor) [mention the third party] <input type="checkbox"/> (Specify if they are processors or joint controllers)

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?

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

Name/Surname/Email address

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 processing operation is aiming to identify and prevent potential conflict of interest.

FRA needs to ensure the absence of a conflict of interest before recruitment, during the employment and at the end of the service of the staff and SNEs in order to preserve the impartiality of their decision-making power in the performance of their duties.

This also applies to FRA staff returning from leave on personal grounds.

The purpose of processing the FRA staff declarations on conflict of interest is to prevent a conflict of interests from arising and to ensure that conflicting interests do not prejudice one's independence in carrying out his/task for FRA.

In case a member of staff declares an interest, an appropriate assessment will be performed to ensure prevention of conflict of interest and appropriate follow up.

Furthermore, the Management team declarations of interest are published on the FRA website on an annual basis.

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

Whose personal data are being processed?

FRA staff , SNEs

Non-FRA staff (please specify e.g. Roma community, judges, etc.)

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

Please tick all that apply and give details where appropriate

(a) General personal data

1. Personal data contained in the form “Declaration of Interest” upon recruitment and periodical update every 3 years:

- First Name/Last Name;
- Personnel Number;
- Administrative status: Temporary Agent/Contract Agent;
- Grade/Group Function;
- Position title;
- Unit;
- Personal data related to specific private interests (see DoI form)
- Signature

2. Personal data contained in the form “Declaration of Interest” upon Reinstatement after Leave on Personal Ground”:

- First Name/ Last Name;
- Personnel Number;
- Administrative status: Temporary Agent/Contract Agent;
- Grade/Group Function;
- Position title identified for the reinstatement (job description sent with the reinstatement offer);
- Unit;
- Personal data related to specific private interests (see DoI form)
- Signature

3. Personal data contained in the form “Declaration of Interest” for MT members published annually on the web.

- First Name/Last Name;
- Position title;
- Unit;
- Signature
- Personal data related to specific private interests (see DoI form) which may include inter-alia financial, family information etc.

Contact details (e.g. postal address, email address, mobile and fax number)

Education & Training details

Employment details (e.g. work experience, languages, name and type of the employer/organisation, address of the employer/ organisation)

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

Family, lifestyle and social circumstances

Goods or services provided

Other (please give details):

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

Certain information declared in the context of completing the Declarations of Interest might indicate :

- | | |
|----------------------------------------------------------------------|-------------------------------------|
| 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 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).*

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <p>Designated FRA staff members
(please specify which team and Unit-no need to mention specifically the names of colleagues)</p> <ul style="list-style-type: none"> • <i>Contact person in the HR Unit upon recruitment</i> • <i>Heads of Unit in his/her capacity of giving a formal written opinion on the presence of a conflict of interest of the staff member concerned;</i> • <i>HR authorised staff</i> • <i>Head of Unit CS in his/her advisory function (recruitment and procurement);</i> • <i>Ethics Officer</i> • <i>Director of the Agency in his/her capacity of deciding on the presence of a conflict of interest;</i> | <input checked="" type="checkbox"/> |
| <p>Recipients outside FRA:
(please provide a generic/functional mailbox)</p> | <input checked="" type="checkbox"/> |

- *Only for the Management Team, the Declarations are published on the FRA website (without grade and Staff number)*

Upon request

- European Court of Auditors (ECA);
- The Court of Justice of the European Union;
- European Anti-Fraud Office (OLAF);
- The European Ombudsman;
- European Data Protection Supervisor.

This transmission is restricted to the information necessary for the legitimate performance of tasks within the competence of the recipient. The recipients of the data are reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.

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 is stored for a maximum of 5 years after leaving the FRA. The DoI have to be updated throughout the employment every 3 years. The declarations of the MT members have to be updated annually.

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 checked="" type="checkbox"/> |
| CRM | <input type="checkbox"/> |
| Hardcopy file | <input checked="" type="checkbox"/> |
| Cloud (give details, e.g. cloud provider) | <input 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 Recruitment@fra.europa.eu; ethics@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))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.