

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

NAME OF PROCESSING OPERATION²: Full scale data collection for survey 'Your Rights Matter – Share Your Experiences' (EU Survey on Immigrants and Descendants of Immigrants)

Reference number: DPR-2021-123
Creation date of this record: 01/02/2021
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Version:4

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: Equality, Roma and Social Rights Unit Contact details: EUMIDIS@fra.europa.eu Data Protection Officer (DPO): dpo@fra.europa.eu <u>In selected countries, FRA will use the social media channels below to reach out potential respondents. Social media platforms are separate controllers for the personal data they process.</u> <u>Facebook</u> <u>Instagram</u> <u>YouTube</u>

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.

[Linkedin](#)

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)
- Ipsos NV is acting as a processor.
- Contact point at external third party: Project Co-ordinator *Sara Grant-Vest* / sara.grant-vest@ipsos.com
- The processor is using Dimensions (Unicom Intelligence) software for the online data collection. info@unicomsi.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 purpose of this processing operation is scientific and statistical research, in line with the FRA mandate and the EU Regulation on the protection of personal data (see legal basis under point 12). For this research a voluntary survey will be conducted and the data resulting from the survey will be anonymised and available for use in aggregate level only.

The purpose of the research is to provide FRA's stakeholders evidence-based advice on the extent of discrimination on the ground of ethnic or immigrant background, racial origin as well as other grounds, hate crime and victimisation, challenges to the realisation of people's fundamental rights and the ways to tackle these challenges. In order to do this, the agency needs to collect data concerning people's experiences of perceived discrimination in different areas of life, experiences of hate motivated harassment and violence, experiences with police stops and discriminatory profiling, as well as civic participation, trust in public institutions, and awareness of rights. Data collected through a representative, population-based survey of selected target groups in each survey country allow the agency to generalise its research findings to represent the selected immigrant communities in the 15 EU MS.

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

Whose personal data are being processed?

- FRA staff
- Non-FRA staff

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

Immigrants and descendants of immigrants born in Turkey, Sub-Saharan Africa, North Africa and Syria: the survey will collect data from 500 to 2,100 respondents (aged 16 or over, living in the country for the last 12 months) in 15 EU Member States: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Poland, Portugal, Spain and Sweden. Respondents will be selected based on a random sampling process.

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

Please tick all that apply and give details where appropriate

(a) General personal data

Personal details (e.g. name, surname, country of birth, gender, nationality)

Contact details (e.g. postal address, email address)

Education & Training details

Employment details (e.g. work experience, languages)

Financial details

Family, lifestyle and social circumstances

Goods or services provided

Other (please give details): IP addresses.

When the survey is filled in online, for the quality control and validation of the data, the survey will collect cookies and IP address (in order to allow respondents to take a break from completing the survey and to continue another time where they left off). For the management and assessment of the data collection, the survey will also collect anonymous metadata and paradata such as information concerning the type of device (PC, smartphone, tablet, etc.) used to complete the online survey.

(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

NOTE: the questions in the survey concerning health are limited to asking respondents' own assessment (opinion) of their health status, other genetic or biometric data are not collected

Information regarding an individual's sex life or sexual orientation

(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
(please specify which team and Unit-no need to mention specifically the names of colleagues)

*Selected members of the Equality, Roma and Social Rights Unit
The data resulting from the survey and transmitted to FRA will be anonymous. The results will be reported in aggregate format (e.g. as percentages or mean values) so that it will not be possible to recognise individual respondents from the results.*

Recipients **outside** FRA:
(please provide a generic/functional mailbox)

Contractor's research staff (for the duration of the contract) – Ipsos NV and its sub-contractors across 15 survey countries. In order to manage survey data collection, FRA's contractor will access information such as names and addresses from national registers or other similar sources, which are available at the country level for national and European survey research. These data will only be used for managing the data collection, they will be stored separately from respondent's answers to the survey questions, they will not be transmitted to FRA and the contractor will destroy the data after data collection and quality control has been completed.

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

If yes, specify to which country: The servers used to collect and store data are located also in the 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) Commission implementing decision on the adequate protection of personal data by the United Kingdom
- 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"?

FRA is due to receive the final data set from the contractor by 1 April 2022. After receiving the final data set, the agency will double-check that the data set does not contain any personal data. Any personal data detected as a part of this process will be deleted by 20 November 2022. The anonymised dataset will be stored indefinitely.

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 type="checkbox"/> |
| CRM | <input type="checkbox"/> |

Hardcopy file	<input type="checkbox"/>
Cloud (give details, e.g. cloud provider)	<input type="checkbox"/>
Servers of external provider	<input checked="" type="checkbox"/>
• 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 privacy statement: e-mail to EUMIDIS@fra.europa.eu; we will reply as per standard deadlines and procedures in FRA's data protection implementing rules.

The rights shall be exercised by 20 November 2022, after this moment the data collected will be anonymised: this means that we will not have any personal data anymore.

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(a)–(e))⁷: Processing necessary for:

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.