

**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>: Victims of hate crime in Romania – Focus groups  
(in the following: HC\_FG)**

Reference number: DPR-2022-165
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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:contact@fra.europa.eu">contact@fra.europa.eu</a> Organisational unit <b>responsible<sup>4</sup></b> for the processing activity: Equality, Roma, and Social Rights Unit Contact details: <a href="mailto:FRANET@fra.europa.eu">FRANET@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>
The data is processed by the FRA itself <input checked="" type="checkbox"/>

<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, 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 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?

The data is processed also by a third party



[Human European Consultancy, data processor](#)

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Contact point at external third party:

[dataprotection@humanconsultancy.com](mailto:dataprotection@humanconsultancy.com).

The processor/contractor was selected by FRA following a public procurement procedure.

### 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, which is in the context of the research project on “Strengthening the protection and assistance mechanisms for victims of crime in Romania”, is to collect inside information from the expert’s perspective and to discuss how to best improve hate crime victims’ access to justice and equal participation in criminal proceedings. It also aims to gather input, exchange practice and experiences and to discuss how experts assess various forms of hate crimes from different perspectives, in particular anti-Roma hate crime, where they see deficiencies in the legal framework, policies, institutions, and measures responding to hate crimes and where they believe improvements would be particularly important. The findings of the focus group will feed into the drafting and research process for the deliverables of the service request.

Based on what is learnt from the focus group discussions FRA will publish a report to inform decision makers on the situation and on how such proceedings can be improved.

The indicated relevant data will be collected through three focus groups with professionals. The contractor in consultation with the responsible FRA unit (Equality, Roma, and Social Rights Unit (Sector Social Rights)) will organise and conduct the focus groups as an in-person activity. The focus groups will be

conducted as a guided and targeted group discussion. The moderator (a member of the contractor's research team) will steer the discussion for the purpose of only collecting and extracting the personal data relevant for this research project. The indicated data will be collected through the signature of the consent forms, the audio recording (for accuracy and note-taking purposes, based on the participants' consent) and notes that will be taken during the focus groups.

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

*Whose personal data are being processed?*

FRA staff

Non-FRA staff (participants of the focus groups which include public authorities, lawyers, victims support organisations, civil society organisations and other professionals working with hate crime victims in judicial proceedings)

#### 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, gender, age)

Contact details (email address telephone number)

Education & Training details (professional/job-related trainings, training and courses relating to the rights of victims of crime and justice)

Employment details (work experience, name and type of the employer/organisation, position-function in the organisation/employer)

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

Family, lifestyle, and social circumstances

Goods or services provided

Other (please give details):

- Background information on possible activities and/or position/function in civil society

(b) **Special categories of 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

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 during a particular investigation (e.g., OLAF, EO, EDPS).*

Designated **FRA** staff members  
Staff members from the Equality, Roma, and Social Rights Unit (Sector Social Rights) working on the project

Recipients **outside** FRA:  
Designated staff- project team members from Human European Consultancy, [dataprotection@humanconsultancy.com](mailto:dataprotection@humanconsultancy.com)

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

**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:

<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.

- 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 defence of legal claims  
 (f) The transfer is necessary 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 collected during the focus group will be retained for a period of up to 24 months from the date of delivery of the final contractual obligation (the final project report) by the contractor.

**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)
- FRA network shared drive
- Outlook Folder(s)
- CRM
- Hardcopy file
- Cloud (give details, e.g., cloud provider)
- Servers of external provider
- Other (please specify): \_\_\_\_\_

**Security measures taken by FRA or the contractor(s):**

The Agency applies FRA's standard safety measures in order to protect personal data from unauthorised access, use or disclosure. FRANET contractors ensure corresponding security measures. (For further

information, please see section 14 of this record)

## 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 [FRANET@fra.europa.eu](mailto:FRANET@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