

**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>: EU LGBTIQ Survey III**

DPR-2023-185 (to be completed by the DPO)
Creation date of this record: 25/05/2023
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Version: 1.0

<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</p> <p>Organisational unit <b>responsible<sup>4</sup></b> for the processing activity: Head of Unit Equality Roma &amp; Social Rights</p> <p>Contact details:: <a href="mailto:fra-lgbti-survey@fra.europa.eu">fra-lgbti-survey@fra.europa.eu</a></p> <p>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) [mention the third party] <input checked="" type="checkbox"/> Agilis SA and Metron Analysis SA as the LGBTIQ Survey III project contractors are also data processors.</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?

Contact point at external third party (e.g. Privacy/Data Protection Officer):

Efi Galani <[Efi.Galani@agilis-sa.gr](mailto:Efi.Galani@agilis-sa.gr)>

### 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 to provide the Agency with information concerning the opinions and experiences related to Fundamental Rights among persons aged 15 years and over, who self-identify as lesbian, gay, bisexual, trans or intersex persons and have been living in any of the 28 EU Member States or Albania or Serbia or North Macedonia for at least 12 months before the survey.

Data are collected via an online survey tool developed and hosted by the survey contractor at the URL [lbtigsurvey.eu](http://lbtigsurvey.eu). The survey tool is owned by the contractor and is located in servers within the EU. For the purpose of inviting you to participate in the survey, you might be contacted by organisations, groups, communities (if you are part of them) or other people who have heard of the survey or you see an advertisement for the survey elsewhere.

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 browser and device used to complete the online survey (PC, smartphone, tablet, etc.), the referrer site, and the time of submission.

We do NOT collect at any stage names, addresses or IP addresses, therefore your participation to the survey is completely anonymised and nobody can identify you at any stage or link you to the responses we collect.

Some technically necessary cookies have to be used for security purposes, e.g. by services that block fraudulent responses to the survey or cyber-attacks to the survey's servers. These cookies do not store any personal or identifying information. You can delete these cookies after the submission of the questionnaire using the appropriate options of your browser.

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

*Whose personal data are being processed?*

FRA staff

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

The survey will collect anonymized (non-identifiable) data from survey respondents aged 15 years and over who identify as lesbian, gay, bisexual, trans or intersex (LGBTIQ) living in the EU, Albania, Serbia and North Macedonia. Data processing takes place in the EU.

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

Please tick all that apply and give details where appropriate. Include information if automated decision making takes place, evaluation and monitoring

### (a) General personal data:

The personal data contains:

Personal details ( e.g. name, surname, date of birth, gender, nationality, address,  photo, ID copy, social security certificate, medical certificate, military/civil Certificate, criminal record, etc.)

The survey respondents are asked about country of birth and age.

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

Education & Training details

The survey respondents are asked to select general categories which they think fits the best their situation (ex. Unemployed/self-employed etc.)

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

The survey respondents are asked to select general response categories which they think fits the best their situation (ex. Did you work or looked for work during the last 12 months?, etc.)

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

Family, lifestyle and social circumstances

The survey respondents are asked to select general categories which they think fits the best their situation (ex. Married, living with a partner, etc.)

Goods or services provided

Other (please give details):

- Respondent's answers to questions on bias-motivated harassment, violence, discrimination, rights awareness, trust in institutions
- Paradata
- Information related to browser: browser\_name, browser\_version, user\_agent, browser\_width, browser\_height, engine\_name, engine\_version, browser\_lang,
- Information related to the device: screen\_width, screen\_height, device\_type (mobile/desktop/tablet), device\_vendor, device\_model, operating system and version,
- Related to cookies: cookies\_enabled (yes/no) - the cookies\_enabled flag indicates whether cookies are enabled or not in the user's web browser the moment they start/submit the survey.
- Referrer sites
- Timestamp (at submission)
- Duration of response to each question
- Break-offs per question
- Campaign id (e.g. a promotion action identifier an id attached to a specific banner advertisement or email campaign or site)
- Score of the probability of being a robot (invisible captcha (V3))
- Aggregate visit stats to the website

- Cookies: (technically necessary cookies):

Before taking the survey, the user has to accept or deny the use of cookies and local storage. Should the user agree, they are able to automatically save their responses locally to their device

and continue taking the survey at a later time. Accepting the use of cookies does not store any data whatsoever that could be used for personal identification.

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

The personal data reveals:

Racial or ethnic origin

*The survey respondents are asked to select general categories which they think fits their situation (ex. Do you consider yourself to be part of an ethnic minority?, etc.)*

Political opinions

Religious or philosophical beliefs

*The survey respondents are asked to select general categories such as "What is your religion, if any?", Christian, Islam, Hindu etc.*

Trade union membership

Genetic, biometric or data concerning health

*The survey respondents are asked to select general categories such as "How is your health in general?, Very good to good, bad, very bad"*

Information regarding an individual's sexual orientation, gender identity & sex characteristics

*The survey respondents are asked to select general categories about their sexual orientation, gender identity, sex characteristics, such as:*

- How would you describe your current gender identity? (man, woman, trans man, trans woman, non-binary, etc.)*

**6) Recipient(s) of the data (Article 31.1 (d))<sup>6</sup>**

*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?*

<sup>6</sup> 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 of the Equality, Roma & Social Rights Unit

*The FRA LGBTIQ Survey Team data analysts and statisticians will have access to the dataset, which is fully anonymised – in the sense that it will not be possible to link responses to identifiable individuals - by day 1 of data collection. The analysis of the dataset will be done to provide fully anonymised and aggregated data and results from the LGBTIQ Survey, leading to FRA publications.*

*Such anonymous data can be accessed by the responsible head of the unit (Equality Roma & Social Rights), delegated members of the project team, as well as contractors working for the Agency to manage data collection activities.*

Designated persons **outside** FRA: (please specify)

*The data analysis and expert team of the project contractor will have access to the dataset, which is fully anonymised (not linking to identifiable individuals), by day 1 of data collection. The analysis of the dataset will be done to provide fully anonymised and aggregated data and results from the LGBTIQ Survey to provide to FRA.*

*The anonymised data set, once finalised and stored by FRA may be shared with third parties (i.e., research data centers) for research purposes to ensure that the research community can benefit from the collected data.*

#### 7) Transfers to third countries or recipients outside the EEA (Article 31.1 (e))<sup>7</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**

<sup>7</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.

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"?*

The Agency and its contractor will keep the personal data based on respondents' answers listed under section 2 until the end of the contract (December 2023). After this point the collected data will be anonymised i.e. any metadata that could possibly identify an individual will be deleted.

The anonymised dataset will be stored indefinitely for research purposes at the Agency and in data centers located within the EU.

**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

Outlook Folder(s)

CRM

Hardcopy file

Cloud (give details, e.g. cloud provider)   
*Cloud servers for documents and emails (MS 365) are located in Ireland and Netherlands.*

Servers of external provider   
*The data collection tool operated, tailor-made and intellectual property of the contractor (Agilis SA). The PaaS provider's (Oracle, see above) servers are located in Frankfurt, Germany*

Other (please specify):

*The data is stored in the EU and not transferred outside EU; the system shall not track the IP; only optional cookies are enabled; the survey progress is saved locally in the user's device storage in case they wish to stop and continue later through their browser. To be able to restart/continue the survey, the application stores the data locally (on the user's computer) using the 'session storage' feature of HTML5.*

*The information stored locally (user's device only) persists for as long as the browser tab is open and it is permanently deleted when the browser closes. Furthermore, it survives on the user's device, over page reloads and restores. When needed, user data is not requested from the web server (where no identifier is stored) but it is retrieved from the local storage (e.g. in case of reloads).*

*On the server side, a unique identifier is created and assigned to each respondent at the time they start the survey. This identifier is saved in the user's device local storage*

*and it is used throughout the application to associate actions/responses with respondents, but it cannot be used to retrieve any of the data stored in the database. After the completion of the survey, respondents are given detailed information on how to delete their browsing history and protect their privacy. The data transmission takes places via <https://>.*

#### 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-lgbti-survey@fra.europa.eu](mailto:fra-lgbti-survey@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