

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

NAME OF PROCESSING OPERATION²: Recovery of debts

Reference number: DPR-2023-183 (to be completed by the DPO)
Creation date of this record: 10/05/2023
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Version: 0.1

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 Unit Contact details: finance.helpdesk@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 checked="" type="checkbox"/> <i>DG Budget acts as data processor on the basis of an SLA signed between the Agency and DG Budget (BUDG-DATA-PROTECTION-COORDINATOR@ec.europa.eu).</i>

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?

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).

We process personal data for the:

- cashing and clearing of recovery orders, and
- establishment of various dunning letters, notes and e-mails to debtors, debtors' representatives and Agency's services concerning outstanding recovery orders.

The various steps of the recovery procedure are registered in a dunning action log in SAP - Dunning so as to ensure an efficient follow-up.

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

Whose personal data are being processed?

FRA staff (including SNEs and trainees)

Non-FRA staff (e.g. external contractors, candidates in

recruitment procedures, MB members, 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 (add or delete as appropriate – the data in the brackets are only examples)

Personal details (Identity of the debtor, name, first name, address, number of the identity document, signature, date and place of birth)

Contact details (email address, phone 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 (bank account number, bank account name, address declared with the bank, bank statement, financial data on the recovery order(s) in charge of a debtor, as processed by the accounting system (SAP))

Family, lifestyle and social circumstances

Goods or services provided

Other (please give details):

- amount to recover
- reimbursement deadline
- amounts cashed, and
- cancellations
- legal & budgetary commitments
- payments
- EDES flag
- payment currency
- follow-up data on the recovery process of the recovery order as mentioned in the dunning log, together with possible comments of dunning clerks

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

The personal data collected reveal:

- | | |
|--|-------------------------------------|
| Racial or ethnic origin | <input type="checkbox"/> |
| Political opinions | <input type="checkbox"/> |
| Religious or philosophical beliefs | <input type="checkbox"/> |
| Trade union membership | <input type="checkbox"/> |
| Genetic, biometric or data concerning health | <input type="checkbox"/> |
| Information regarding an individual's sex life or sexual orientation | <input type="checkbox"/> |
| N/A | <input checked="" 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).*

Designated **FRA** staff members (i.e. financial actors)
(please specify which team and Unit-no need to mention
specifically the names of colleagues)

- Agency staff dealing with financial matters and who have been granted access on an need to know basis to the ABAC accounting system or to local management systems that communicate with the ABAC and SAP system.
- Other restricted FRA users of the accounting system ABAC/SAP.
- Access to the accounting system is strictly controlled through a unique user-id and password.
- FRA local management systems operated by authorised staff members.
- Horizontal internal services (FRA's Legal Service)accounts

Recipients **outside** FRA:

- Other restricted Commission's users of the accounting system ABAC/SAP.
- Contractors who assist the Agency in the preparation of the annual accounts.
- The European Court of Auditors, OLAF, the Internal Audit Services of the Commission, and the External Auditors of the annual accounts may be granted access if required in the course of a particular investigation, audit, etc

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

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.

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"?

10 years after the last financial transaction is made or the debt file is closed. This is necessary to enable queries on financial, contractual and accounting matters and individual transactions that sometimes go back many years, and also for audit trail reasons.

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"/> |
| <ul style="list-style-type: none"> • Debit Notes • Dunning information • Exchange of emails with debtors • Exchange of communication with lawyers | |
| FRA network shared drive | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • Extracted information on recoveries from the accounting systems • Exchange of communication with lawyers | |
| Outlook Folder(s) | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • Exchange of emails with debtors • Exchange of communication with lawyers | |
| CRM | <input type="checkbox"/> |
| Hardcopy file | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • Debit notes • Dunning information • Exchange of communication with debtors | |
| Cloud (Microsoft 365 services) | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • Debit Notes • Dunning information | |

- Exchange of emails with debtors
- Exchange of communication with lawyers
- Servers of external provider
- The accounting systems (ABAC, SAP and their reporting BO) are hosted in the Commission's ICT infrastructure.

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: [financial.helpdesk \(at \) fra.europa.eu](mailto:financial.helpdesk@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(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;