

Children as victims of crimes in Romania – Focus groups

The European Union Agency for Fundamental Rights (FRA or Agency) processes the personal data of a natural person in compliance with Regulation 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices, and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

This data protection notice explains FRA's policies and practices regarding its collection and use of your personal data and sets forth your privacy rights. We recognize that information privacy is an ongoing responsibility, and we will update this notice where necessary.

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1. Why do we collect personal data?

The purpose of the processing operation, 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 children’ access to justice and equal participation in criminal proceedings when they have become victims of crime. It also aims to gather input, exchange practice and experiences and to discuss how experts assess various forms of crimes against children from different perspectives, where they see deficiencies in the legal framework, policies, institutions, and measures responding to crimes against children and where they believe improvements would be particularly important. This input shall also include the experiences and perspectives of children themselves through co-operation with child advisory boards, child-led organisations and the respective experts working with children. 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.

2. What kind of personal data does the Agency collect

We will collect only the following personal data necessary for the processing operation described above.

General personal data:

- Personal details (name, surname, gender, age)
- Contact details (email address, telephone number)
- Education and training details (professional/job-related trainings, participation in secondary education for child participants of the focus groups, training and courses relating to the rights of the child and juvenile justice)
- Employment details (work experience, name and type of the employer/organisation, position-function in the organisation/employer)
- Family, lifestyle, and social circumstances

Other:

- Background information on possible activities and/or position/function in civil society
- Background information relating to criminal proceedings that children had experiences with, as victims or witnesses of crimes

Special categories of personal data:

In the context of this processing operation, special categories of personal data might be also collected, such as information about your racial or ethnic origin [might be revealed by some background information on the impact of ethnicity (in particular Roma ethnicity) on potential discrimination)], or data concerning

health (might be revealed by some background information on the impact of disabilities or special needs of groups of children on potential discrimination).

3. How do we collect your personal data?

We collect your personal data through four focus groups with professionals (3) as well as children (1). The contractor in consultation with the responsible FRA unit (Equality, Roma, and Social Rights Unit (Sector Social Rights)) will organize 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. Who is responsible for processing your personal data?

The Agency is the legal entity responsible for the processing of your personal data and determines the objective of this processing activity. The Head of Equality, Roma and Social Rights Unit is responsible for this processing operation. The data processor is Human European Consultancy [Wilhelminapark 61, 3581 NP Utrecht, The Netherlands, T: +31 (0)30 232 64 30, dataprotection@humanconsultancy.com]. The data processor was selected following a public procurement procedure.

5. Which is the legal basis for this processing operation?

The processing operation is necessary to achieve the Agency's objectives, as stated in Article 2 of its founding Regulation (EC) No 168/2007, as amended by Regulation (EU) 2022/555 (the amended Founding Regulation), to provide its stakeholders, including Union institutions and EU Member States, with assistance and expertise relating to fundamental rights, including its tasks described in Article 4 (1)(a), (c) and (d).

Therefore, the processing operation is lawful under Article 5.1.(a) of the EU Data Protection Regulation (EU) 2018/1725.

In addition, the processing is also in accordance with Article 5.1.(d) of Regulation (EU) No 2018/1725, as regards the respondents' contribution and provision of their personal data mentioned above, through their participation in the interviews, which is voluntary, based on their consent.

Potential interview candidates are informed by means of FRA's CVC_FG_Information letter adults and, CVC_FG_Information letter children and the respective Data Protection Notice about the project's objective and purpose, methodology, data items to be collected and their rights before an interview is conducted. In case candidates wish to proceed after having been comprehensively informed, interviewees sign FRA's consent forms, namely the CVC_FG_Consent form adults, and the CVC_FG_consent form children accordingly, before the interview is eventually carried out. Hardcopies of signed consent forms will be sent to and stored by FRA.

With respect to the possible processing of special categories of personal data, this is lawful under Article 10.2(a) and 10.2(j) of Regulation (EU) 2018/1725. Specific consent has been given and it is stored.

6. Who can see your data?

Within FRA, the data can be accessed by designated staff members, and more specifically staff members from the Equality, Roma, and Social Rights Unit (Sector Social Rights) working on the project.

Outside the Agency, the data can be accessed by designated staff- project team members of the contractor-processor (Human European Consultancy).

7. Do we share your data with other organizations?

No, personal data is processed by the Agency and the contractor (processor) only. In case that we need to share your data with third parties, you will be notified to whom your personal data has been shared with.

8. Do we intend to transfer your personal data to Third Countries/International Organizations?

No.

9. When will we start the processing operation?

We will start the processing operation in July 2022.

10. How long do we keep your data?

Indefinite for anonymized research material, which is the reporting templates. Personal data defined above will be kept for a maximum of 24 months from the date of delivery of the final contractual obligation (the final project report) by the contractor.

11. How can you control your data?

Under Regulation 2018/1725, you have rights we need to make you aware of. The rights available to you depend on our reason for processing your information. You are not required to pay any charges for exercising your rights except in cases where the requests are manifestly unfounded or excessive, in particular because of their repetitive character.

We will reply to your request without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests.

You can exercise your rights described below by sending an email request to franet@fra.europa.eu.

11.1. The value of your consent

Since your participation is not mandatory, we need proof that you consented to the processing of your personal data. Consent will be collected through a consent form provided to you and, if required, your parent or guardian. You or your parent/guardian have the right to withdraw your consent at any time, and we will delete your data or restrict its processing. All processing operations up until the withdrawal of consent will still be lawful.

11.2. Your data protection rights

a. Can you access your data?

You have the right to receive information on whether we process your personal data or not, the purposes of the processing, the categories of personal data concerned, any recipients to whom the personal data have been disclosed and their storage period. Furthermore, you can have access to such data, as well as obtain copies of your data undergoing processing.

b. Can you modify your data?

You have the right to ask us to rectify your data you think is inaccurate or incomplete at any time.

c. Can you restrict us from processing your data?

You have the right to restrict the processing of your personal data. If you do, we can no longer process them, but we can still store them. In some exceptional cases, we will still be able to use them (e.g., with your consent or for legal claims). You have this right in a few different situations: when you contest the accuracy of your personal data, when the Agency no longer needs the data for completing its tasks, when the processing activity is unlawful, and finally, when you have exercised your right to object.

d. Can you delete your data?

You have the right to ask us to delete your data when the personal data are no longer necessary for the purposes for which they were collected, when you have withdrawn your consent or when the processing activity is unlawful. In certain occasions we will have to erase your data in order to comply with a legal obligation to which we are subject.

We will notify to each recipient to whom your personal data have been disclosed of any rectification or erasure of personal data or restriction of processing carried out in accordance with the above rights unless this proves impossible or involves disproportionate effort from our side.

e. Are you entitled to data portability?

Data portability is a right guaranteed under Regulation 1725/2018 and consists in the right to have your personal data transmitted to you or directly to another controller of your choice.

In this case, this does not apply for two reasons: 1) in order for this right to be guaranteed, the processing should be based on automated means, however we do not base our processing on any automated means;

II) this processing operation is carried out in the public interest, which is an exception to the right to data portability in the Regulation.

f. Do you have the right to object?

When the legal base of the processing is “*necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body*” which is the case in most of our processing operations, you have the right to object to the processing. In case you object, we have to stop the processing of your personal data, unless we demonstrate a compelling reason that can override your objection.

g. Do we do automated decision making, including profiling? (If applicable)

Your personal data will not be used for an automated decision-making including profiling.

12. What security measures are taken to safeguard your personal data?

The Agency has several security controls in place to protect your personal data from unauthorized access, use or disclosure. We keep your data stored on our internal servers with limited access to a specified audience only.

13. What can you do in the event of a problem?

a) The first step is to notify the Agency by sending an email to franet@fra.europa.eu and ask us to act.

b) The second step, if you obtain no reply from us or if you are not satisfied with it, contact our Data Protection Officer (DPO) at dpo@fra.europa.eu.

c) At any time, you can lodge a complaint with the EDPS at <http://www.edps.europa.eu>, who will examine your request and adopt the necessary measures.

14. How do we update our data protection notice?

We keep our data protection notice under regular review to make sure it is up to date and accurate.

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