

Providing technical assistance to national bodies with a human rights remit involved in assessing EU Charter & CRPD compliance of EU funds

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 recognise 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 Common Provisions Regulation (Regulation 2021/1060) governing EU funds requires that EU funds comply with the Charter of Fundamental Rights and the Convention on the Rights of Persons with Disabilities. In order to promote such compliance, the Regulation foresees a role for national bodies with a human rights remit. This project aims at discovering what that role could be with a view to drafting a FRA report on the topic. It will therefore gather data in written form, interview relevant individuals (such as those working for the Commission, the national authorities dealing with EU funds, civil society, and academics) and organize meetings that will allow for exchanges of views.

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.

(a) General personal data:

- Personal details (name, surname, gender, nationality)
- Contact details (postal address, email address, phone number)
- Employment details (position/ function, work experience, opinions)
- Financial details (bank account information) for the purposes of reimbursement of travel costs incurred by an interviewee or attendee at one of the roundtables

(b) Other:

- IP addresses and/or cookies (depending on the online platform(s)/tool(s) to be used by the respective contractor)

For the purposes of note-taking and accurate reporting, interviews will be audio and/or video recorded subject to the interviewee's consent.

3. **How do we collect your personal data?**

3a. Information you provide us

FRA, or contractors working on behalf of FRA (<https://fra.europa.eu/en/cooperation/franet>), will collect your information from you directly upon contacting you via phone, e-mail, or through digital platforms. This will include video and/or audio recording if you consent to this.

3b. Information we collect about you

FRA, or contractors working on behalf of FRA, will, in the desk research phase and in the preparation for interviews and events related to the project, collect contact information of individuals who may have relevant information for the project described in this data protection notice so as to be able to request them to meet with them or speak with them over the phone and/or by means of digital platforms or

other means. The respective contractor will inform the data subject about the means of recording used (including online tools) and their compliance with data protection standards.

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 the Institutional Cooperation and Networks Unit is responsible for this processing operation.

8 [FRANET contractors](#) (one at the EU level, and one in each of the following Member States: Bulgaria, Croatia, Estonia, Finland, France, Germany and Portugal) will be asked to collect the data on behalf of FRA, one covering the EU level and seven covering one EU Member State each. Each contractor is required to provide to the experts and contact persons relevant information (this data protection notice) on how they process and store their personal data and the digital means (including online tools used to carry out interviews) for all of which the IT servers used must be based within the EU. Furthermore, the contractors must delete the collected data from all their files after delivery of the final report to FRA and in accordance with their data protection/privacy notice.

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

Article 2 of the Agency's Founding Regulation (Council Regulation (EC) No 168/2007 of 15 February 2007) states that the objective of the Agency shall be to "provide the relevant institutions, bodies, offices and agencies of the Community and its Member States when implementing Community law with assistance and expertise relating to fundamental rights in order to support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights." Article 4(1)(a) specifies that the Agency shall "collect, record, analyse and disseminate relevant, objective, reliable and comparable information and data, including results from research and monitoring communicated to it by Member States, Union institutions as well as bodies, offices and agencies of the Community and the Union, research centres, national bodies, non-governmental organisations, third countries and international organisations and in particular by the competent bodies of the Council of Europe" and the processing of personal data for that purpose is therefore necessary for the management and functioning of the Agency. Therefore, the processing is lawful under Article 5.1.(a) of the Regulation (EU) No 2018/1725.

In addition, since the participation in the project is not mandatory, the processing of the personal data is also in accordance with Article 5.1.(d) of Regulation (EU) No 2018/1725.

With respect to the processing of special categories of data (video recording possibly revealing racial/ethnic origin), this is covered under Article 10.2.(a) of Regulation 2018/1725. Specific consent has been given and it is stored.

6. Who can see your data? Your data can be seen by the members of the Agency's project team and by relevant staff of the FRANET contractors the Agency has contracted for this project, bound by confidentiality clauses.

7. Do we share your data with other organisations?

Personal data is processed by the Agency only. In case that we need to share your data with third parties, you will be notified with whom your personal data has been shared.

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

No.

9. When we will start the processing operation?

We will start the processing operation in March 2022.

10. How long do we keep your data?

The project ends at the end of 2023. Your data will be deleted within twenty-four months of the completion of the project. This retention period is necessary to be able to review and cross-check data with a view to the drafting of subsequent FRA reports.

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 eufunds@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. You 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: I) 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?

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 unauthorised access, use or disclosure. We keep your data stored on our internal servers with limited access to a specified audience only. FRA contractors also adhere to strict data protection requirements.

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 eufunds@fra.europa.eu and ask us to take action.

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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