

Conducting interviews on the role of equality bodies in combating hate crime

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 purpose of the processing of your personal data is to conduct online interviews with representatives of Equality bodies focusing on main barriers and drivers related to the role of equality bodies in combatting hate crime. The information will inform the drafting of a FRA's paper on the role of equality bodies in combating hate crime. This paper, which will be subsequently published, will include the name of your organisation and the country where you operate.

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: (keep only what is relevant)

- Personal details (name, surname)
- Contact details (email address; phone number)
- Employment details (position/ function, organisation)

(b) Other (cookies and IP addresses)

No personal data other than the name of the organisation and the country where you operate will be contained in the published report(s) or generally in the public domain.

3. How do we collect your personal data?

FRA has received your personal information – your name and email address – from [Equinet](#), to which your organisation is a member. For the purpose of conducting the online interviews, the contractor – the data processor – may use platforms / tools / applications such as [Microsoft Teams](#) and/or [Cisco Webex](#).

In the online interviews our contractor - Ms Margarita Ilieva – will ask about your role and areas of work in the organisation. This information is only used to contextualise the analysis and none of it will be published; the only information which will feature in the public domain (in the published FRA paper) will refer just to the name of your organisation and the country where you operate.

For accuracy and note-taking purposes, and only with your consent, interviews will be audio-recorded.

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 Technical Assistance & Capacity Building Unit is responsible for this processing operation.

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 to provide its stakeholders, including Union institutions and EU Member States, 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, in this case in particular in the area of hate crime, including its tasks described in Article 4 (1)(a).

Therefore, the processing is lawful under Article 5.1.(a) of the Regulation (EU) No 2018/1725.

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

6. Who can see your data?

The interviews will be conducted by an external contractor – Ms Margarita Ilieva – contracted by the FRA to conduct selected interviews in a few EU Member States to understand barriers and drivers for Equality bodies in supporting national efforts to combat hate crime.

Moreover, the data will be provided to FRA and may be kept in outlook folders of designated FRA staffworking on the topic of hate crime and in the FRA's Document Management System (DMS). While most of those colleagues will be assigned to the Technical Assistance & Capacity Building Unit, also designated staff in other units who work on the same topic may be granted access to it, given FRA's horizontal programme and project structure.

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 to whom your personal data has been shared with.

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

No. However, in the context of the online platforms / tools / systems used to conduct the interviews by the contractor – the data processor – transfers outside of the EU and EEA might take place. Please refer to the relevant privacy statements (see: [Microsoft Teams](#) and/or [Cisco Webex](#)).

No other transfers outside of the EU or EEA will take place.

9. When we will start the processing operation?

We will start the processing operation for the above-mentioned purpose in February 2022.

10. How long do we keep your data?

Data collected through online semi structured interviews and captured in short reporting templates, as well as recording of the interview, will be stored for a period of one year. All electronical copies containing personal data will then be destroyed.

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 were 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 hatecrime@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 send via email prior to the interview for your signature. 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.

In addition, the contractor also applies security measures and controls such as password protected access to email folders and drives on her PC.

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 hatecrime@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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