

Procedural Safeguards in European Arrest Warrant proceedings

The European Union Agency for Fundamental Rights (hereinafter 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 privacy 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 the personal data is to collect information and data for the purpose of a research project.

The research project is titled 'Procedural Safeguards in European Arrest Warrant proceedings'. The project seeks to gain the perspective of professionals, particularly judges and lawyers on their experiences dealing with European Arrest Warrant proceedings in nineteen Member States and additionally, find out how judicial authorities ensure the protection of procedural rights of defendants. For that reason, the project will also eventually, and where possible, aim to gain the perspective of defendants in some Member States at a later

stage. Relevant Member States will be contacted for such research. The ultimate goal of the project is to provide evidence-based advice to the European Council and to the European Commission on practical aspects of procedural rights in European arrest warrant proceedings as referred to in the legal framework on procedural rights.

The project has come about as a result of the [Council's conclusions of 2020](#). The conclusions invited FRA to continue working on the procedural rights of the European arrest warrant procedures, focusing specifically on the procedural right 'access to a lawyer'.

This project consists of small-scale desk research and fieldwork research in the form of interviews across nineteen Member States. The information from the interviews will feed into the preparation of a report to be published in 2024.

In order to carry out interviews with experts including lawyers and judges, their contact details and background information about their work and professional status need to be collected.

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)
- Contact details (postal address, email address, phone number)
- Employment details (position/function, work experience, opinions)

For accuracy and note taking purposes, interviews will be audio- and/or video-recorded.

3. How do we collect your personal data?

3a. Information you provide us

We collect your personal data mentioned above through the consent form that will be provided to you before the interview and during the interview which will be conducted through digital channels, e.g. e-mail and/or internet and/or telephone call via our 19 FRANET contractors, which the Agency has for every EU MS (see Section 4 below)

As mentioned above, for accuracy and note taking purposes, interviews will be audio- and/or video-recorded. In case an interview takes place online, FRANET contractors are requested to inform interviewees before the interview takes place about which online conferencing tool they will use for the interview and to provide a link to the tool's website where the tool's data protection rules can be found.

3b. Information we collect about you from other sources

FRANET contractors may undertake internet research and find data of experts at national level that is publicly available.

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 Research & Data Unit is responsible for this processing operation.

19 [FRANET contractors](#) (one in each of the following Member States: Belgium, Czechia, Germany, Estonia, Ireland, Spain, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Portugal, Slovenia, Slovakia, Finland, Sweden) will be asked to collect the data on behalf of FRA, each covering one EU Member State. 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?

The processing operation is necessary to achieve the Agency's goal, 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, including its tasks described in Article 4 (1)(a), (c) and (d) and is therefore lawful under Article 5.1.(a) of the [Regulation \(EU\) No 2018/1725](#).

In addition, since the participation in the 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.

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 accessed by the designated staff of the FRANET contractors carrying out the interviews. Furthermore, the data can be accessed by staff members of FRA's Research and Data Unit working on that project. Access is restricted to authorized staff members and only these members have access rights to open the files.

7. Do we share your data with other organisations?

No. Personal data is processed by the Agency and its contractors only. In case that we need to share your data with other 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 April 2022.

10. How long do we keep your data?

Your personal data as described above will be kept for 24 months.

More specifically, the processing operation is projected to end with the publication of FRA's final report in 2024. Personal data defined above will be kept for 24 months after their collection. All physical and electronic copies held by FRA and contractors will then be deleted. Anonymised research material, e.g. reporting templates, will be kept indefinite.

11. How can you control your data?

Under Regulation (EU) 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 just_digit_secure@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 via a separate 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 where 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 2018/1725 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 just_digit_secure@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.