

Recovery of debts

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.

1. [Why do we process personal data?](#)
2. [What kind of personal data does the Agency process?](#)
3. [How do we process your personal data?](#)
4. [Who is responsible for processing your personal data?](#)
5. [Which is the legal basis for this processing operation?](#)
6. [Who can see your data](#)
7. [Do we share your data with other organizations?](#)
8. [Do we intend to transfer your personal data to Third Countries/International Organizations](#)
9. [When will we start the processing operation?](#)
10. [How long do we keep your data?](#)
11. [How can you control your data?](#)
 - 11.1. [The value of your consent](#)
 - 11.2. [Your data protection rights](#)
12. [What security measure are taken to safeguard your personal data?](#)
13. [What can you do in the event of a problem?](#)
14. [How do we update our data protection notice?](#)

1. Why do we process personal data?

We process your 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.

2. What kind of personal data does the Agency process?

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

- General personal data are imported from European Commission's accounting systems, namely, ABAC Workflow or from SAP as well as through information that you have provided to the Agency (e.g. contracts, invoices, etc.) or are recorded during the recovery process: 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
- Financial data: 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)
- 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

3. How do we collect and process your personal data?

All the data contained in those documents are imported from European Commission's accounting systems, namely, ABAC Workflow or from SAP as well as through information that you have provided to the Agency (e.g. contracts, invoices, etc.)

The data registered in the accounting system are used by SAP Dunning for the automated preparation and printing of dunning letters for the principal including late payment interest, for late payment interest only and for establishing recovery orders for late payment interest.

The system also automates other features, notably:

- automatic assignment of recovery orders to the Accounting Officer and their deputy
- automatic assignment of recovery orders to the actor responsible for the next dunning action

- dunning action log where all dunning actions and dunning events are registered for complete information and for automatic triggering by the system, after predefined delays, of a proposal for the next dunning action or event
- automated daily task list for the Accounting Officer and their deputy
- generation of dunning documents directly from the Accounting Officer's and their deputy's task list
- communication facilities, i.e. visibility of all dunning actions and events by the authorising officers.

The Accounting Officer and their deputy can manually update the information registered in the dunning action log, i.e. with regard to debtors' reactions, e-mail exchange, telephone conversations.

Furthermore, they can overrule automated processing operations (i.e. decide to send the file for forced recovery without sending a formal notice).

Storage medium

The medium of storage is:

- Paper
- Electronic
- Databases
- Servers
- Cloud

The data as mentioned above are entered and stored in the Commission's SAP accounting system. Copies of official correspondence with the debtor (debit note, reminder letters, other correspondence by letter and by e-mail to the debtor and from the debtor to the Agency's services), internal notes between the Agency's services, information on financial solvability (from credit enquiry agencies, newspapers, information published by the debtor), correspondence with law firms, liquidators, tribunals are stored as hardcopies in the recovery file and/or on the common drive of the unit and/or on the PC of the Accounting Officer and their deputy and/or in the Commission's Ares system. The Agency premises and operations of all computer centres abide by the Agency's security decisions and provisions.

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 Corporate Services is responsible for this processing operation. DG Budget acts as data processor on the basis of an SLA signed between the Agency and DG Budget.

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

The recovery of debts is 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.

The recovery of debts is necessary pursuant to Chapter 5 – Revenue Operations of the Agency’s Financial Rules. Therefore, the processing is lawful under Article 5.1(b) of the Regulation (EU) No 2018/1725.

The recovery of debt may become necessary following the performance of a contract with you, the data subject. Therefore, the processing is lawful under Article 5.1.(c) of the Regulation (EU) No 2018/1725.

6. Who can see your data?

All recipients described below have access to the same data on a need-to-know basis.

- Agency staff dealing with financial matters and who have been granted access on a 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 and Commission’s 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)
- Contractors who assist the Agency in the preparation of the annual accounts.

7. Do we share your data with other organizations?

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.

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.

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 as soon as the debt is estimated.

10. How long do we keep your data?

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.

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 finance.helpdesk@fra.europa.eu.

11.1. The value of your consent

Since the recovery of debt procedure is mandatory in accordance with the Agency's financial rules you are not required to provide your consent.

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 has 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 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 the European Commission’s accounting system ABAC/SAP 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 finance.helpdesk@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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