

[Processing of personal data in the context of whistleblowing proceedings using internal reporting channels](#)

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?

We collect personal data in the context of the whistleblowing process (using internal reporting channels) in order to allow the implementation of the guidelines on whistleblowing and allow proper follow up, in accordance with the procedure defined by EB decision 2018/03 on the implementation of FRA Guidelines on Whistleblowing.

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 (should the whistle-blower chooses to disclose it)
- Contact details (email address) (should the whistle-blower chooses to disclose it)
- Whistleblowing report where all unnecessary data (in particular, special categories of data) will be erased and not further processed
- Whistleblowing register with encrypted (and in some cases, anonymisation) data for follow-up.

3. How do we collect your personal data?

The data (which you choose to disclose) will be provided through filling out the specific template provided in the context of the whistleblowing procedure (whistleblowing form), or any other possible means of reporting, along with possible accompanying documents in physical or electronic form.

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 Director is responsible for this processing operation.

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

The legal bases for this processing operation are:

- Article 22a of the Staff regulations applicable by analogy to temporary and contract agents pursuant to articles 11 and 81 CEOS
- Commission ex ante agreement to the adoption by the Agencies of the implementing rules laying down guidelines on whistleblowing 27.2.2018 C(2018) 1362 final)

- EB decision 2018/03 on the implementation of FRA Guidelines on Whistleblowing

Therefore, the processing is lawful under Article 5(1)(b) of Regulation (EU) No 2018/1725

6. Who can see your data?

- Immediate superior
- FRA Director
- Ethics officer
- OLAF

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.

9. When we will start the processing operation?

When the information is received through filling out the specific template provided in the context of the whistleblowing procedure (whistleblowing form), or any other possible means of reporting, along with possible accompanying documents in physical or electronic form.

10. How long do we keep your data?

The time for which the complaint files may be kept is the following: upon the closing of an initial investigation led by the FRA, the data gathered to build the investigation will either be sent to OLAF if it concerns fraud or if not relating to fraud, dealt with through the appropriate channels within the FRA.

If a case is sent to OLAF and an investigation is opened, there is no need for the FRA to keep the information for a longer period.

In cases OLAF decides not to start an investigation, the FRA will delete the information without delay. Files on the basis of which an administrative inquiry or disciplinary procedure is opened by the FRA, the information should be kept in line with the retention periods foreseen for those files.

When the investigation has dismissed a report of whistleblowing, the data gathered to build the investigation will be retained for a period of 2 months after the final decision has been issued to all the parties involved. *When the investigation has dismissed a report of whistleblowing, the data gathered to build the investigation will be retained for a period of 2 months after the final decision has been issued to all the parties involved.*

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 Ethics@fra.europa.eu.

11.1. The value of your consent

Since the processing will lawfully take place under Article 5(1)(b) of Regulation (EU) No 2018/1725 (processing is necessary for compliance with a legal obligation to which the controller is subject), 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 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. Please note that in some cases restrictions may apply under Article 25 of Regulation (EU) 2018/1725 and [MB decision 2021/08 on internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the European Union Agency for Fundamental Rights](#).

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. Please note that in some cases restrictions may apply under Article 25 of Regulation (EU) 2018/1725 and [MB decision 2021/08 on internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the European Union Agency for Fundamental Rights](#).

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. Please note that in some cases restrictions may apply under Article 25 of Regulation (EU) 2018/1725 and [MB decision 2021/08 on internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the European Union Agency for Fundamental Rights](#).

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. Please note that in some cases restrictions may apply under Article 25 of Regulation (EU) 2018/1725 and [MB decision 2021/08 on internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the European Union Agency for Fundamental Rights](#).

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 particular physical security, cybersecurity and encryption and/or pseudonymisation of personal data will be implemented to safeguard your personal data.

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 Ethics@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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