

Research Project on “The impact of the Terrorism Directive on fundamental rights”

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 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 European Commission requested an evidence based advice in the context of their report on the added value of Directive 2017/541 with regard to combating terrorism (Article 29 of Directive (EU) 2017/541). The project will collect data and map the implications of the application of individual provisions of the Directive 2017/541 at the Member State level on fundamental rights and freedoms. The project consists of a desk research in the 25 EU Member States covered by the Directive and interviews carried out in selected Member States. The information from the interviews will feed into the preparation of a report to be published in 2021. In order to carry out interviews with experts, their contact details and background information about their work and professional status needs to be collected. The Agency might perform face to face or video call interviews. If the latter applies, some extra categories of personal data of the interviewee may be processed by the Agency and the online video platform. You can find more details on this below.

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.

- Personal details (name, surname)
- Work-related contact details (email address, mobile number)
- Employment details (position/function, work experience)

We may use Skype for Business Online to conduct the interviews. Different types of data are processed when using Skype. The scope of the data also depends on which data you make known before or when you participate in an online meeting. The following personal data may be processed:

- User information: first name, last name, caller ID, telephone (optional), email address, profile picture (optional).
- Meeting metadata: topic, appointment data, participant IP addresses, device/ hardware information.
- Text, audio and video data: You may have the option of using the chat, question or survey functions in an online meeting. In this respect, the text entries you have made are processed in order to display them in the online meeting and, if necessary, to log them. In order to enable the display of video and the playback of audio, the data from the microphone of your end device and any video camera of the end device are

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processed accordingly during the duration of the meeting. You can turn off the camera or mute the microphone yourself at any time using the Skype user interface.

- Desktop & Application Sharing allows users to collaborate over video chat while also sharing their desktop or selected application with everyone in the meeting. If sharing is initiated, depending on what is being shared, all conversation participants will be able to see the monitor(s), entire desktop, or selected application on their computer's screen.
- Users can manually set their location by entering a custom location into the location control in the Skype for Business user interface. The time zone is collected directly from the user's computer operating system. Depending on how the user or administrator has configured the privacy settings location and time zone information is shared by Skype for Business and made available to other users through the Contact Card.
- If we plan to record the interview, we will notify you in advance. If the interview is recorded, there will also be a visible notification in the Skype app.

We may also use Cisco Webex to conduct the interviews. In such a case please consult the specific privacy notice of the Agency on the use of Webex [here](#).

3. How do we collect your personal data?

We collect your personal data through the consent form that will be provided to you before the interview.

If the interviews are conducted via Skype, the personal data mentioned above will be processed as soon as the online interview begins.

If the interviews are conducted via Webex, please see the relevant privacy notice.

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 Research & Data 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 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(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(d) of Regulation (EU) No 2018/1725.

6. Who can see your data?

The data will be processed by the FRA project team members carrying out the interviews. Furthermore, the data can be accessed by other staff members of FRA 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?

Personal data is processed by the Agency only. In the event of online interviews, data mentioned under paragraph 2 will be processed by Skype or Webex as well.

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

No. If Skype for Business or Cisco Webex is used, your personal data processed by these platforms will be stored also in their servers located in the US. Both of them are certified under the EU-US Privacy Shield, which ensures an equivalent level of protection as if your data were processed in the EU.

9. When we will start the processing operation?

We will start the processing operation in June 2020.

10. How long do we keep your data?

Personal data as defined above will be kept for 24 months.

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 just_digit_secure@fra.europa.eu.

11.1. How valuable is your consent for us?

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 provided to you before the interview. 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 block the processing of your personal data when you contest the accuracy of your personal data or when the Agency no longer needs the data for completing its tasks. You can also block the processing activity when the operation is unlawful, and you oppose to the erasure of the data.

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. Can you request the transfer of your data to a third party?

This only applies to information you have given us. You have the right to ask that we transfer the information you gave us from one organisation to another, or give it to you. The right only applies if we are processing information based on your consent or for the performance of a contract or for entering into a contract and the processing is automated.

f. Do you have the right to object?

Yes, you have the right to object when you have legitimate reasons relating to your particular situation. Moreover, you will be informed before your information is disclosed for the first time to third parties, or before it is used on their behalf, for direct marketing purposes.

g. Do we do automated decision making, including profiling?

No

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.

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 privacy notice?

We keep our privacy notice under regular review to make sure it is up to date and accurate.

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