

*Consultation of stakeholders in the context of the specific contract 04 under FWC 21-3030-04/ EU Agency for 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 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 order to facilitate the operations of performance monitoring, reporting, evaluation and feedback on FRA activities.

The scope of the consultations will be to include a stakeholder perspective in the context of FRA's Consolidated Annual Activity Report in terms of their feedback and inputs relating to the activities and outputs delivered in 2022.

**2. What kind of personal data does the Agency collect?**

Relevant FRA's stakeholders as well as selected FRA staff members will be identified by FRA (after notification) and their name, surname, email address and phone number, as well as employment details (function, work experience, opinions) will be collected.

In the context of the online survey tool (Qualtrics) used by the contractor (ICF), IP address may be collected to 'prevent and protect against fraud and malicious activity, and to ensure the security of the website, app or cloud service of Qualtrics' (see [Privacy Statement](#)). Furthermore, usage of cookies is further described in Qualtrics' Cookie Statement; in this document it is also explained how the data subject can exercise its preferences.

**3. How do we collect your personal data?**

3a. Information you provide us

The data will be collected from you via online surveys, and semi-structured interviews conducted by an external contractor (ICF S.A. - Avenue Marnix 17, B-1000, Brussels, Belgium - [www.icf.com](http://www.icf.com)).

In this regard, ICF will select then who will be invited to respond to online surveys and semi-structured interviews.

For the purpose of the survey, the data processor will use the [Qualtrics](#) online survey tool.

Responses to the interviews will not be recorded by ICF, but assessed based on notes taken during the interview. The responses both to the online surveys as well as to the interviews will be collected and summarized (in anonymized form) in a report by ICF, which will not contain personal data.

**4. Who is responsible for processing your personal data?**

The Agency is the legal entity for the processing of personal data and who determines the objective of this processing activity. The Head of Corporate Services Unit is responsible for this processing operation.

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

Stakeholder consultation for the evaluation of FRA's activities is necessary for the management and functioning of the Agency. Article 30 of FRA founding regulation (EC) 168/2007 (as amended by Council Regulation (EC) 2022/555) provides that the Agency shall regularly carry out evaluations of its activities. Therefore, assessing the data based on notes taken during the interviews and collecting and summarizing (in an anonymized form) in a report the responses received by the online surveys and the interviews is lawful under Article 5.1.(a) of the Regulation (EU) No 2018/1725.

The participation in the online surveys and semi-structured interviews is not mandatory and therefore, based on consent of the data subjects (FRA stakeholders). Thus, the processing of the data collected from the stakeholders is in accordance with Article 5.1.(d) of Regulation (EU) No 2018/1725.

## **6. Who can see your data?**

Names, functions, email addresses and phone numbers of selected FRA stakeholders, members as well as selected FRA staff will be shared with ICF – see above point 2. ICF will have access to these personal data as well as to the data collected via interviews. The responses provided will only be available to and assessed by ICF. No other parties (also not FRA) will have access to the responses .

## **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**

The data might be accessed by ICF personnel in the United Kingdom. Such a transfer is compliant with Regulation (EU) No 2018/1725 (on the basis of the relevant [European Commission's adequacy decision](#)).

With respect to the online survey tool (Qualtrics) used by the contractor (ICF), ICF's agreement specifies that all survey data is stored in Germany with back up servers contained in Ireland. ICF does not make use of Qualtrics' supplementary services which may lead to data transfers outside of the EU. Further, ICF very rarely needs to liaise with Qualtrics' customer support services but when necessary, it liaises with Qualtrics' offices in the EU which are located in Ireland, France, Germany, Spain, Italy and the Netherlands.

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 at the beginning of February 2023.

#### **10. How long do we keep your data?**

ICF will keep the data until **30/06/2023**. After this date, all personal data will be deleted.

#### **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 [planning@fra.europa.eu](mailto:planning@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 an email message to preselected stakeholders in a separate and distinct manner. 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.

Organisational measures taken by FRA include a strict information security policy, control of access to electronically held information, data storage system, data management policy, training of FRA staff on data protection and confidentiality, data retention rules. The Agency’s technical measures comprise physical security, cybersecurity, a strict password policy, secure disposal, pseudonymisation and

encryption, internet activity monitoring. In addition, FRA obliges data processors to apply corresponding security measures.

Furthermore, ICF has implemented and will maintain appropriate administrative, technical, organizational, security and physical safeguards designed to (i) ensure the confidentiality, integrity, availability and resiliency of Personal Data; (ii) protect Personal Data against any anticipated threats or hazards to confidentiality, integrity, availability and resiliency of Personal Data; and (iii) protect against any actual or suspected unauthorized Processing, loss, disclosure, or acquisition of or access to any Personal Data or confidential information during the Agreement Term and as long as Client Personal Data is in ICF's possession or under ICF's control.

In the context of the online survey tool (Qualtrics) used by the contractor (ICF), please read the Qualtrics [security statement](#).

### **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 [planning@fra.europa.eu](mailto:planning@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](mailto: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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