

Data processing for the purpose of conducting the research project “Providing evidence on bias when using algorithms – simulation and testing of selected cases”

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?

Data will be collected for the purpose of conducting two experiments as part of the “Providing evidence on bias when using algorithms – simulation and testing of selected cases” project:

- Task 2: Simulation of a feedback loop potentially occurring when algorithms are used for decision-making in the area of predictive policing with respect to potential ethnic profiling based on a computer simulation, and
- Task 3: Algorithmic simulation aiming at identifying racial and gender bias (or a combination of both) enshrined in existing machine learning tools/algorithms that could be used for hate speech detection and/or sentiment analysis of text.

The data collected for the purpose of the first simulation (aggregate criminal statistics on a district level) will not include any personal data.

The data collected for the purpose of the second simulation (social media comments) should not, in principle, include any personal data. However, some personal data may be included in this data collection exercise, and personal data may be inferred from the data collected.

With regards to comments included in the database that were later deleted by the data subject, the exemption stated in article 19(3)d of Regulation (EU) 2018/1725 applies.

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. The following data should not, in principle, be collected, but may result within the data collected, or be inferred from the data collected.

- (a) General personal data:
 - Personal details
 - Family, lifestyle and social circumstances
 - Goods or services provided

- (b) Special categories of personal data:
 - data revealing racial or ethnic origin
 - political opinions
 - religious and/or philosophical beliefs
 - data concerning health or sexual orientation

3. How do we collect your personal data?

3a. Information you provide us

N/A

3b. Information we collect about you

3c. Information we receive from other sources

For Task 2, aggregate criminal statistics on a district level will be used, whereby the type of crime and the month or year reported shall be known. Additional information in the datasets could include objects involved, solved cases, pre- or post-trial, etc. The crime data will be combined with demographic data at the district level, in order to connect feedback loop results to specific impacts on city residents.

In addition, attempts will be made to obtain crime rate data, which are broken down by demographic characteristics, such as gender and origin. These data sets will be specially examined to determine if they contain personal data, as defined here: “The data subjects are identifiable if they can be directly or indirectly identified, especially by reference to an identifier such as a name, an identification number, location data, an online identifier or one of several special characteristics, which expresses the physical, physiological, genetic, mental, commercial, cultural or social identity of these natural persons”.

However, it is not foreseen that personal data as defined above will be needed for this task, nor that the aggregate statistics will be available at a sufficient granularity so as to allow determination of individuals involved. If any personal data is delivered with the crime statistics, it will therefore be promptly eliminated prior to storage/processing.

Task 3 will require the use of social media content. Data sets containing the text of the comments is required, as well as the corresponding labels (offensive, inoffensive) assigned. User IDs may additionally be needed to test for the quality and distribution of comments. However, these will be hashed prior to storage/processing. Any other possible personal data will be eliminated from the data sets prior to storage/processing.

The data used in Task 3 is more sensitive regarding data protection, as the comments can be considered personal data. These data sets will be stored securely, with access controlled by contractor’s DPO, and permitted only to the data scientists working on developing the models.

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 and Data Unit is responsible for this processing operation.

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

This activity falls under Article 4(1)(a) of the FRA founding Regulation (EC) No 168/2007 which tasks FRA with collecting, recording, analyzing and disseminating relevant, objective, reliable and comparable information and data. Therefore, the processing is lawful under Article 5(1)(a) of the Regulation (EU) No 2018/1725. The processing of special categories of personal data is lawful under Article 10(2)(j) of the same Regulation.

6. Who can see your data?

The access to the database is restricted to authorized staff members from FRA and FRA's contractor, Rania Wazir e.U.

7. Do we share your data with other organisations?

Personal data is processed by the Agency and the processor 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?

We will start the processing operation in **March 2021**.

10. How long do we keep your data?

Data that consist in anonymised research material can be kept indefinitely, while personal details as defined above will be kept for 2 years.

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 AI-Project@fra.europa.eu.

11.1. 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?

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.

<please specify where appropriate>

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 AI-Project@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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