

Title: Staff Committee Elections 2021

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 to carry out FRA staff committee elections by way of e-voting. This is based on the Decision 2020/06 of FRA's Executive Board ('EB Decision on setting up a Staff Committee'), according to which the agency should set up a staff committee to perform the tasks assigned to it by the Staff Regulations. According to Article 9 of the EB Decision, staff committee elections will be carried out following the electoral rules. The Electoral Rules for the FRA Staff Committee, adopted on 11 December 2017, provide in Article 11 for the possibility to organise the elections using e-voting. Director's Decision DIR/002/2021 appointed an electoral committee to carry out the electoral process.

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

Based on the electoral register (Article 3 of the Electoral Rules) which lists the names of the staff members who are eligible to vote in the staff committee elections, the electoral committee will establish a list of voters' e-mail addresses in the EUSurvey tool, in order to send each voter an individual link that they can use for voting. The elections will be carried out as an anonymous survey, and neither the electoral committee nor anybody else in FRA can determine for which candidates (if any) a specific voter as voted.

EUSurvey is a tool that is set up and managed by the European Commission. While the staff committee elections will be carried out as an anonymous survey, EUSurvey collects for security purposes the IP addresses of each server request. Neither the electoral committee nor anybody else in FRA has access to the information concerning the IP addresses.

3. How do we collect your personal data?

3a. Information you provide us

Not applicable. The information provided when voting will be anonymous. To carry out the voting, the EUSurvey tool will generate an individual link which allows each voter to cast their vote. Neither the electoral committee nor anybody else in FRA is able to see who the voter with a specific, individual link was voting for.

3b. Information we collect about you

The EUSurvey tool, which will be used in the voting, collects for security purposes the IP addresses of each server request. Neither the electoral committee nor anybody else in FRA has access to the information concerning the IP addresses.

3c. Information we receive from other sources

According to Article 3 of the Electoral Rules, the electoral committee produces, in cooperation with the Corporate Services Unit, an electoral register of staff members who are eligible to vote in the staff committee elections. Based on the electoral register and the existing online address book of staff members, the electoral committee will list the eligible voters in the EUSurvey tool in order to send them individual links for voting purposes.

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 Corporate Services Unit is responsible for this processing operation.

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

The data processing is necessary for the management and functioning of the Agency. A Staff Committee has to be elected in accordance to the Staff Regulations, Article 9 and Article 1 of Annex II. Therefore, the processing is lawful under Article 5(a) of the Regulation (EU) No 2018/1725.

6. Who can see your data?

The members of the electoral committee of the FRA staff committee elections have access to the names and emails of voters. European Commission in their role of managing the EUSurvey tool has access to the IP addresses, which are collected for security purposes.

7. Do we share your data with other organisations?

The electoral committee does not share your data with other organisations. When people vote using the EUSurvey, their IP addresses will be recorded for security purposes.

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 on **1 March 2021**.

10. How long do we keep your data?

Names and emails of eligible votes will be kept in the EUSurvey tool until 31 May 2021. This is the time necessary for carrying out the elections and confirming the result.

European Commission keeps your personal data for the time necessary to fulfil the purpose of the survey. Data associated with a user account is deleted after a period of inactivity of 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

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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 any of the members of the electoral committee: cyrille.maurin@fra.europa.eu, sami.nevala@fra.europa.eu, sara.sighinolfi@fra.europa.eu.

11.1. The value of your consent

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.

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.

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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 as 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. The EUSurvey project where voters names and emails will be stored will be only accessible to the members of the electoral committee, and access will be based on the use of EU Login.

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 any of the members of the electoral committee: cyrille.maurin@fra.europa.eu, sami.nevala@fra.europa.eu, sara.sighinolfi@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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