

Psycho-socio support service FRA staff

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.

1. [Why do we collect personal data?](#)
2. [What kind of personal data does the Agency collect?](#)
3. [How do we collect your personal data?](#)
4. [Who is responsible for processing your personal data?](#)
5. [Which is the legal basis for this processing operation?](#)
6. [Who can see your data](#)
7. [Do we share your data with other organisations?](#)
8. [Do we intend to transfer your personal data to Third Countries/International Organizations](#)
9. [When will we start the processing operation?](#)
10. [How long do we keep your data?](#)
11. [How can you control your data?](#)
 - 11.1. [The value of your consent](#)
 - 11.2. [Your data protection rights](#)
12. [What security measure are taken to safeguard your personal data?](#)
13. [What can you do in the event of a problem?](#)
14. [How do we update our privacy notice?](#)

1. Why do we collect personal data?

Due to the COVID 19 pandemic crisis, some Agency staff members might experience stress, loneliness or isolation. In order to help all staff, SNEs and trainees to overcome these difficulties, the Agency is making sessions with a psychologist available to them.

The aim of the psycho-socio support service is to identify the source of stress (work-related or not) causing potential difficult situations both in professional and private life. The duty of the contractor is to guide the FRA staff towards the solution.

Upon direct request of the FRA staff member to the psychologist (whose contact details will be made available to all staff on the Agency's intranet), via e-mail, the contractor will arrange a session of 1 hour. The session can take place online via Skype, Cisco Webex or telephone as long as the crisis and quarantine rules last, and later within the FRA's premises or within the contractor's premises.

Each staff member can receive Psycho-socio support for a maximum of 2 sessions and one concluding session. It will be possible, for the staff member to meet the contractor again within six months from the last session.

In case the contractor detects a serious issue after the last session, for which the staff member needs sick leave, s/he will invite the staff member to see his/her general practitioner who will potentially issue a certificate of unfitness to work as appropriate.

In case of collective needs raised by one or more of the FRA's staff members, the contractor will be asked to arrange specific individual or group sessions in order to cope with the difficult situation. Participation in such sessions will be voluntary.

Please note that no personal data of FRA staff will be disclosed or communicated to the Agency by the contractor, so as to guarantee anonymity and confidentiality. Moreover, according to the Austrian psychologist law (Psychologengesetz Oesterreich (§37)) counselling conversations are treated strictly confidentially.

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

Only the following personal data necessary for the processing operation described above will be processed by the contractor.

(a) General personal data:

- Personal details (name, surname, birth date)
- Contact details (email address, mobile number)

(b) Special categories of personal data:

- data concerning health

Please note that any personal data related to the physical or mental health identified during the sessions will not be disclosed to the Agency. The Agency will only receive a monthly invoice according to the number of sessions carried out during the period covered. No further details regarding the session, the staff member who participated and the outcome will be shared with the Agency.

3. How do we collect your personal data?

Personal data will be collected by the contractor from the first communication of the FRA staff in order to arrange a session and during that (and possible subsequent) session(s).

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?

Since the participation in the psychologist sessions is not mandatory, the processing of the personal data is in accordance with Article 5(d) of Regulation (EU) No 2018/1725.

6. Who can see your data?

Your personal data will only be available to the contractor. As mentioned above the contractor will provide FRA with monthly reports detailing the number of staff met and the dates of the sessions.

7. Do we share your data with other organisations?

Your personal data are not shared with any other third parties.

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

No.

9. When we will start the processing operation?

The processing operation will start in April 2020.

10. How long do we keep your data?

The retention period of the psychologist for personal data of the patient is 10 years, according to Austrian Law. (Psychologengesetz § 35).

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 wellbeing@fra.europa.eu.

11.1. How valuable is your consent for us?

Since your participation is not mandatory, and you contact the contractor voluntarily to arrange a session, it means you have provided your consent for this processing operation. 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?

We do not perform automated decision making.

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 wellbeing@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.

PRIVACY NOTICE

c) If you are not satisfied with the above actions 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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