

Research FUNDAMENTAL RIGHTS COMPLIANCE AT THE EU'S EXTERNAL LAND AND SEA BORDERS (FRANET Service Request 21)

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 process personal data?

The purpose of the processing of personal data is to collect information and data for the purpose of a research titled “Fundamental rights compliance at the EU’s external land and sea borders” and it is one of the outputs of the project “B.3.1. Tasks assigned to FRA by EU law in the field of asylum, borders and immigration”.

The research seeks to provide FRA with information and data to describe the fundamental rights situation at external land and sea borders and will be carried out by FRA’s FRANET external contractors. Based on the information and data received, FRA will compile an overview document focusing on fundamental rights standards which stem from obligations under EU and international law.

The research consists of data collection through consultations with relevant stakeholders (national authorities responsible for the subject area, UNHCR and civil society actor or an independent service provider) in Albania, Bulgaria, Croatia, Cyprus, Estonia, Finland, Greece, Hungary, Italy, Latvia, Lithuania, Malta, North Macedonia, Poland, Romania, Serbia, Slovakia, and Spain carried out by [FRANET contractors](#). The information collected will feed into the preparation of a report to be published in 2024.

In order to carry out the consultation, the contact details of national authorities responsible for the subject area, UNHCR and civil society actor or an independent service provider (stakeholders) will be collected.

The information collected will feed into the preparation of a report to be published in 2024.

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

We will collect only the following personal data necessary for the processing operation described above.

General personal data:

- Personal details (name, surname).
- Contact details (telephone number, email address).
- Employment details (position, organisation).

The information and data collected in the consultations refer to your professional activities and experience and will not include any personal data. The published report will not include your name, only the name of your organization.

3. How do we collect and process your personal data?

3.a. Information you provide us:

The information and data you provide during the consultations will be collected directly from you by FRA’s FRANET contractors via telephone or written contributions in the countries covered by the research. Interviews will not be recorded.

Your participation in the consultation is voluntary. You can discontinue your participation at any time or refuse to answer any question without consequence of any kind and without giving a reason.

3.b. Information we receive from other sources:

FRANET contractors may obtain your personal data (contact details) from FRA, from third parties such as lawyers, civil society or international organisations or authorities of the respective Member State, or from other sources publicly available, such as the internet.

Once your personal data has been collected, FRANET contractors may also provide FRA with the gathered contact details.

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 Justice, Digital and Migration Unit is responsible for this processing operation.

The eighteen FRANET contractors referred to above will act as FRA's data processors and will collect data on behalf of FRA, as specified under section 3 above.

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

The processing operation is necessary for the performance of the tasks carried out by the Agency in the public interest to achieve its goal (Article 2 of its Founding Regulation (EC) No 168/2007, amended by Council Regulation (EU) 2022/555) to provide stakeholders, including Union Institutions and EU Member States, with assistance and expertise relating to fundamental rights. This includes the tasks described in Article 4 (1)(a), (c) and (d). of the Founding Regulation.

Therefore, the processing is lawful under Article 5.1.(a) of Regulation (EU) No 2018/1725.

6. Who can see your data?

Your data can be accessed by the designated staff of the FRANET contractors carrying out the consultations. Furthermore, the data can be accessed by staff members of FRA's Justice, Digital and Migration Unit working on this project.

FRANET contractors are bound by specific contractual clauses for any processing operations on behalf of FRA, and by the confidentiality obligations deriving from Regulation (EU) 2018/1725).

7. Do we share your data with other organisations?

Personal data is processed by the Agency and its processors 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. However, the FRANET contractors carrying out the research in Albania, North Macedonia and Serbia are entities registered in those countries, subject to the respectively applicable data protection laws and the personal data is located in (or access from) the respective country. Moreover, their contracts with FRA include specific contractual clauses for the processing of personal data in accordance with Regulation (EU) No 2018/1725.

9. When will we start the processing operation?

We will start the processing operation in January 2024.

10. How long do we keep your data?

The personal data referred to in section 2 above will be kept until the final date of the implementation of the project as indicated in the respective FRANET contracts, and at the latest, until December 2024. All data held by FRA and contractors will then be deleted. Anonymised research material, e.g. reporting templates, will be kept indefinitely.

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 migration@fra.europa.eu.

11.1. The value of your consent

As the processing of personal data is not based on your consent, even if you decide to withdraw your participation on this consultation, the withdrawal will not impact the processing of your personal data.

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.

In compliance with their contractual obligations with FRA, FRANET contractors have the necessary technical, organizational and security measures in place for the implementation of the respective contracts.

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 migration@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 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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