

Interviews and survey with authorities and other stakeholders at Border Crossing Points for FRA's project on the 'Fundamental rights implications of the Entry-Exit System' (D-SE-23-T08)

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 the personal data is to collect information and data for the implementation of the research project titled “Fundamental rights implications of the Entry/Exit System (EES)”.

The research project seeks to gain the perspective of experts on the [EES](#), which is a database that will record and store information on the entry and exit of short-stay visa-bound and of visa-free travellers coming for a short stay to the EU. The ultimate goal of the project is to collect information and data that will help FRA develop guidance and support material for EU Member States and EU institutions in the preparatory phase of implementing EES in a fundamental rights’ compliant manner.

This project consists of fieldwork research in the form of semi-structured personal interviews with authorities and other stakeholders at 10 border crossing points (to be done in person and, only if not possible, exceptionally online/by phone) to collect views of operational staff (shift leaders, air/port companies, air/cruise line staff, other stakeholders) on EES-related implementation concerns, a small-scale survey with border guards at the 10 border crossing points (to be done on paper) to collect experiences of border guards, and a non-participant observation across six Member States (Bulgaria, Estonia, France, Germany, Italy and Poland) to observe all stages of processing information. The information from the fieldwork activities will feed into the preparation of a report to be published in 2024.

The fieldwork activities will be carried out by FRA’s contractor **Fondazione “Giacomo Brodolini”**, acting as FRA’s processor on its behalf for this processing operation.

In order to carry out interviews and organise the survey with border guards, experts’ and officers’ contact details and/or professional background information need to be collected.

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

To conduct the semi-structured personal interviews with authorities and other stakeholders, we will only collect the following personal data necessary for the processing operation:

(a) General personal data:

- Personal details (name, surname).
- Contact details (email address, phone number).
- Employment details (work experience, languages, name and type of the employer/organisation, address of the employer/organisation).
- Other (if the interviews are audio and/or video recorded, upon consent, voice and/or image of the participant will be processed).

In very exceptional cases (if any) where semi-structured personal interviews with authorities and other stakeholders are conducted online, other personal data such as IP addresses, cookies, and metadata, as well as certain special categories of personal data, might also be collected and processed.

To carry out the small-scale survey with border guards, we will only collect the following personal data necessary for the processing operation:

(a) **General personal data:**

- Employment details (work experience, languages, name and type of the employer/organisation, address of the employer/ organisation).

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

3a. Information you provide us:

We collect your personal data mentioned above directly from you through the consent form that will be provided to you before the interview or survey participation, and during the interview or survey participation, which will be conducted face-to-face or, in case of interviews, exceptionally through digital channels (e.g. telephone or video call) by FRA's contractor Fondazione "Giacomo Brodolini in the countries covered by the research (see Section 1 above).

For accuracy and note taking purposes, interviews will be audio and/or video-recorded upon your consent. FRA will not include any names in the final report, and all recordings will be destroyed as indicated in Section 10 below. Moreover, at any point during the interview, interviewees can indicate that they do not wish to be recorded.

3b. Information we collect about you:

Your IP address, connection details, cookies, and/or device information might be collected in the very exceptional case that interviews take place online, as indicated in Section 2 above. In this exceptional context, FRA's contractor (Fondazione "Giacomo Brodolini") is requested to inform interviewees before the meetings take place about which online conferencing tool they will use and to provide a link to the tool's website where the tool's data protection policy can be found.

3c. Information we receive from other sources:

FRA's contractor may undertake research and find the contact details of the persons to be interviewed via online research, civil society organisations, or other organisations and authorities of the respective EU Member State.

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

Moreover, FRA's contractor Fondazione "Giacomo Brodolini", will act as FRA's data processor and will collect the 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 to achieve the Agency's goal, as stated in Article 2 of its founding Regulation (EC) No 168/2007, amended by Council Regulation (EU) 2022/555 (FRA's founding regulation), to provide its stakeholders, including Union institutions and EU Member States, with assistance and expertise relating to fundamental rights, including its tasks described in Article 4 (1)(a), (c) and (d).

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

In addition, by means of the relevant consent form, and always after an explanation of the project's objective and purpose, its methodology, the data items to be collected and the rights the data subjects are entitled to, the experts and officers will be requested by the contractor to provide their explicit consent to the processing of their personal data, and therefore to participate in the interviews or survey before they take place. Interviewees will be requested to consent to the audio and/or video recording of the interviews, for accuracy and note-taking purposes.

Therefore, the processing of the personal data is also in accordance with Article 5.1.(d) of Regulation (EU) No 2018/1725.

Moreover, the exceptional and unlikely processing of special categories of personal data as indicated in Section 2 above is lawful under Article 10.2.(a) of Regulation 2018/1725, as specific consent has been given by the data subjects and it is stored.

6. Who can see your data?

Your data can be accessed by the designated staff of the contractor carrying out the interviews. Furthermore, the data can be accessed by staff members of FRA's Justice, Digital & Migration Unit and the Equality, Roma & Social Rights Unit working on that project. Access is restricted to authorised staff members and only these members have access rights to open the files.

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 Organisations?

No

9. When will we start the processing operation?

We will start the processing operation in March 2024.

10. How long do we keep your data?

The personal data referred to in Section 2 above, as well as consent forms, will be kept for 24 months after the final date of implementation of the project. All data held by FRA and the contractor 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

Since your participation in the interviews or survey is not mandatory, you will be required to confirm that you are willing to start the interview or survey before it takes place, and therefore that you consent to the processing of your personal data and to the audio and/or video recording of the interview. Consent will be collected via a separate consent form. 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 and its contractor, acting on its behalf as processor within this processing operation, have 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 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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