

**RECORD OF PROCESSING ACTIVITY  
ACCORDING TO ARTICLE 31 REGULATION 1725/2018<sup>1</sup>  
NOTIFICATION TO THE DATA PROTECTION OFFICER**

**NAME OF PROCESSING OPERATION<sup>2</sup>:**

**HANDLING OF REQUEST FOR GRANTING AN EXCEPTION ON BASIS OF NATIONALITY**

Please provide here a meaningful name of the processing operation involving personal data (e.g. staff recruitment, business continuity contact list, etc.). You should use the same name for the Privacy Notice.

DPR-2019-049 (to be completed by the DPO)
Creation date of this record: 01/02/2019
Last update of this record: 25/11/2020
Version: 2

<b>1) Controller(s)<sup>3</sup> of data processing operation (Article 31.1(a))</b>
Controller: European Union Agency for Fundamental Rights (FRA) Organisational unit <b>responsible<sup>4</sup></b> for the processing activity: Corporate Services Contact person: Constantinos Manolopoulos <a href="mailto:Constantinos.Manolopoulos@fra.europa.eu">Constantinos.Manolopoulos@fra.europa.eu</a> Data Protection Officer (DPO): Robert Jan Uhl <a href="mailto:dpo@fra.europa.eu">dpo@fra.europa.eu</a>

<b>2) Who is actually conducting the processing? (Article 31.1(a))<sup>5</sup></b>
The data is processed by the FRA itself <input checked="" type="checkbox"/>
The data is processed also by a third party (contractor) [mention the third party] <input type="checkbox"/>

<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>

<sup>2</sup> **Personal data** is any information relating to an identified or identifiable natural person, i.e. someone who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity. This information may, for example, be the name, date of birth, a telephone number, biometric data, medical data, a picture, professional details, etc.

**Processing** means any operation or set of operations which is performed on personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

<sup>3</sup> In case of more than one controller (e.g. joint FRA research), all controllers need to be listed here

<sup>4</sup> This is the unit that decides that the processing takes place and why.

<sup>5</sup> Is the FRA itself conducting the processing? Or has a provider been contracted?

N/A

Contact point at external third party (e.g. Privacy/Data Protection Officer): N/A

### 3) Purpose of the processing (Article 31.1(b))

*Why are the personal data being processed? Please provide a very concise description of what you intend to achieve with the processing operation. Specify the rationale and underlying reason for the processing and describe the individual steps used for the processing. If you do this on a specific legal basis, mention it as well (e.g. staff regulations for selection procedures).*

For contract and temporary agents, Articles 47 and 119 CEOS (i.e. both for definite and indefinite contracts) provide that, in principle, employment is terminated if an agent no longer has the nationality of a Member State, unless an exception is authorized by the Appointing Authority. In this context, the purpose of the processing is to allow the Appointing Authority to assess whether to grant an exception to the nationality clause to the UK staff member pursuant to Articles 12(2) and 82(3) CEOS.

### 4) Description of the categories of data subjects (Article 31.1(c))

*Whose personal data are being processed?*

- |  |                                     |
|--|-------------------------------------|
| FRA staff  | <input checked="" type="checkbox"/> |
| Non-FRA staff (please specify e.g. Roma community, judges, etc.) | <input type="checkbox"/>            |

### 5) Categories of personal data processed (Article 31.1(c))

*Please tick all that apply and give details where appropriate. Include information if automated decision making takes place, evaluation and monitoring*

#### (a) General personal data:

The personal data contains:

Personal details ( e.g. name, surname, date of birth, gender, nationality, address,  photo, ID copy, social security certificate, medical certificate, military/civil Certificate, criminal record, etc.)

Contact details ( e.g. postal address, email address, mobile and fax number)

Education & Training details

Employment details (e.g. work experience, languages, opinions)

Financial details (e.g. financial identification form, bank account information)

Family, lifestyle and social circumstances

Goods or services provided

Other (please give details):

Any information the UK Staff Member or Head of Unit may consider pertinent to the process at hand.

(b) **Sensitive personal data** (Article 10)

The personal data reveals:

Racial or ethnic origin

Political opinions

Religious or philosophical beliefs

Trade union membership

Genetic, biometric or data concerning health

Information regarding an individual's sex life or sexual orientation

#### 6) Recipient(s) of the data (Article 31.1 (d))<sup>6</sup>

*Recipients are all parties who have access to the personal data. Who will have access to the data **within** FRA? Who will have access to the data **outside** FRA?*

Designated **FRA** staff members (please specify which team and Unit)

During the process for requesting authorisation of exception, a restricted number of staff members, which are in charge of Human Resources/Legal matters can access your personal data. These includes Head of Corporate Services, HR/legal (including FRA's external legal counsel), your Head of Unit and the Director, who is in charge of the final decision.

Designated persons **outside** FRA: (please specify)

N/A

#### 7) Transfers to third countries or recipients outside the EEA (Article 31.1 (e))<sup>7</sup>

*If the personal data are transferred outside the European Economic Area, this needs to be specifically mentioned, since it increases the risks of the processing operation.*

<sup>6</sup> No need to mention entities that may have access in the course of a particular investigation (e.g. OLAF, EO, EDPS).

<sup>7</sup> **Processor** in a third country using standard contractual clauses, a third-country public authority you cooperate with based on a treaty. If needed, consult your DPO for more information on how to ensure safeguards.

Data are transferred to third country recipients:

Yes

No

**If yes, specify to which country:**

**If yes, specify under which safeguards:**

Adequacy Decision of the European Commission

Standard Contractual Clauses

Binding Corporate Rules

Memorandum of Understanding between public authorities

#### 8) Retention time (Article 4(e))

*How long will the data be retained and what is the justification for the retention period? Please indicate the starting point and differentiate between categories of persons or data where needed (e.g. in selection procedures candidates who made it onto the reserve list vs. those who didn't). Are the data limited according to the adage "as long as necessary, as short as possible"?*

Documents related to authorisation of exception: 10 years as of the termination of employment or as of the last pension payment.

Keeping the documents related to authorisation of exception for 10 years after the termination of employment or as of the last pension, is needed for budgetary and audit purposes.

#### 9) Technical and organisational security measures (Article 31.1(g))

*Please specify where/how the data are stored during and after the processing; please describe the security measures taken by FRA or by the contractor*

##### **How is the data stored?**

FRA network shared drive

Outlook Folder(s)

CRM

Hardcopy file

Cloud (give details, e.g. cloud provider)

Servers of external provider

Other (please specify): The electronic copy will be kept on specific drive at Agency's server to which only restricted access will be granted to Human Resources staff member(s) responsible for the procedure. The process will be launched using Outlook, thus for the duration of the process data will be stored in Outlook folder of the HR staff responsible.

**10) Lawfulness of the processing (Article 5(a)–(d))<sup>8</sup>: Processing necessary for:**

*Mention the legal basis which justifies the processing*

- (a) a task carried out in the public interest or in the exercise of official authority vested in the FRA (including management and functioning of the institution)   
Articles 47 and 119 CEOS, and Article 12(2) and 82(3) CEOS.
- (b) compliance with a legal obligation to which the FRA is subject
- (c) necessary for the performance of a contract with the data subject or to prepare such a contract
- (d) Data subject has given consent (ex ante, explicit, informed)   
Describe how consent will be collected and where the relevant proof of consent will be stored
- (e) necessary in order to protect the vital interests of the data subjects or of another natural person

<sup>8</sup> Tick (at least) one and explain why the processing is necessary for it. Examples:

(a) a task attributed to your EUI by legislation, e.g. procedures under the staff regulations or tasks assigned by an Agency's founding regulation. Please mention the specific legal basis (e.g. "Staff Regulations Article X, as implemented by EUI IR Article Y", instead of just "Staff Regulations")

(a2) not all processing operations required for the functioning of the EUIs are explicitly mandated by legislation; recital 17 explains that they are nonetheless covered here, e.g. internal staff directory, access control.

(b) a specific legal obligation to process personal data, e.g. obligation to publish declarations of interest in an EU agency's founding regulation.

(c) this is rarely used by the EUIs.

(d) if persons have given free and informed consent, e.g. a photo booth on EU open day, optional publication of photos in internal directory;

(e) e.g. processing of health information by first responders after an accident when the person cannot consent.

### 11) Data Minimisation(Article 4(c))

*Do you really need all data items you plan to collect? Are there any you could do without?*

Personal data in the form including access to personal file is necessary to allow the Appointing Authority assessing requests for an exception from the UK staff members.

### 12) Transparency (Article 14)

*How do you inform people about the processing operation?*

Privacy statement will be included to other documents when launching the process.

### 13) Exercising the rights of the data subject (Article 14 (2))

*How can people contact you if they want to know what you have about them, want to correct or delete the data, have it blocked or oppose to the processing? How will you react?*

*E.g., See privacy statement: e-mail to [Constantinos.Manolopoulos@fra.europa.eu](mailto:Constantinos.Manolopoulos@fra.europa.eu) we will reply as per standard deadlines and procedures in FRA's data protection implementing rules.*

#### **Data subject rights:**

- |  |   |
|--|---|
| Right to have access                                     | <input checked="" type="checkbox"/> Anytime                   |
| Right to rectify   | <input checked="" type="checkbox"/> Based on call information |
| Right to erase ("right to be forgotten)                  | <input checked="" type="checkbox"/> Anytime                   |
| Right to restrict of processing                          | <input type="checkbox"/>                                      |
| Right to data portability                                | <input checked="" type="checkbox"/> Anytime                   |
| Right to object  | <input checked="" type="checkbox"/> based on call timelines   |
| Right to obtain notifications to 3 <sup>rd</sup> parties | <input checked="" type="checkbox"/> Anytime                   |
| Right to have recourse                                   | <input checked="" type="checkbox"/> Anytime                   |
| Right to withdraw consent at any time                    | <input checked="" type="checkbox"/> Until decision is taken.  |

14) Other linked documentation

*Please provide links to other documentation of this process (consent form, privacy notice, project documentation, security related policies /measures etc.)*

[Privacy notice](#)

Responsible

Signature

Date

Head of Corporate Services Unit  
C. Manolopoulos



30/11/2020