

**RECORD OF PROCESSING ACTIVITY
ACCORDING TO ARTICLE 31 REGULATION 2018/1725¹
NOTIFICATION TO THE DATA PROTECTION OFFICER**

NAME OF PROCESSING OPERATION²: – Interviews with authorities and stakeholders at border crossing points for FRA’s project on the ‘Fundamental rights implications of the Entry-Exit System’ (D-SE-23-T08)

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Part 1 (Publicly available).

1) Controller(s)³ of data processing operation (Article 31.1(a))
<p>Controller: European Union Agency for Fundamental Rights (FRA) Schwarzenbergplatz 11, A-1040 Vienna, Austria Telephone: +43 1 580 30 – 0 Email: contact@fra.europa.eu Organisational unit responsible⁴ for the processing activity: Justice, Digital & Migration Unit Contact details: migration@fra.europa.eu Data Protection Officer (DPO): dpo@fra.europa.eu</p>

2) Who is actually conducting the processing? (Article 31.1(a))⁵
<p>The data is processed by the FRA itself <input checked="" type="checkbox"/></p> <p>The data is processed also by a third party (contractor) <input checked="" type="checkbox"/> Fondazione Giacomo Brodolini, contractor for D-SE-23-T08,</p>

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

² **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.

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

⁴ This is the unit that decides that the processing takes place and why.

⁵ Is the FRA itself conducting the processing? Or has a provider been contracted?

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).

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.

Through its membership in the European Travel Information and Authorization System (ETIAS) Fundamental Rights Guidance Board (Article 10 of the ETIAS Regulation), FRA has a legal obligation to provide regular appraisals and issue recommendations to the ETIAS Screening Board, in particular with regard to privacy, personal data protection and non-discrimination.

Since EES data will feed into the ETIAS algorithm, it is crucial to understand fundamental rights implications of EES. Therefore, this research project will cover fundamental rights implications of EES that may arise before a third-country national enters the territory of the EU as well as during the border crossing procedure.

This project consists of fieldwork research (middle value contract D-SE-23-T08) 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 interviews and survey will feed into the preparation of a report to be published in 2024.

The objective of the interviews and survey is to provide FRA with primary country specific data and information on fundamental rights implications, gaps, challenges and promising practices in the preparation and implementation of the EES.

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 at the BCPs, experts’ and officers’ contact details and/or professional background information need to be collected.

We collect the personal data mentioned in Section 5 below directly from the experts and officers through the consent form that will be provided to them 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.

For accuracy and note taking purposes, interviews will be audio and/or video-recorded upon interviewees' consent. FRA will not include any names in the final report, and all recordings will be destroyed as indicated in Section 8 below. Moreover, at any point during the interview, interviewees can indicate that they do not wish to be recorded.

Data subjects' IP address, connection details, cookies, and/or device information might be collected in the exceptional case that interviews take place online, as indicated in Section 5 below. In exceptional this context, FRA's contractor (Fondazione "Giacomo Brodolini") is requested to inform interviewees before the meeting takes place about which online conferencing tool they will use for the interview and to provide a link to the tool's website where the tool's data protection policy can be found.

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.

Participation is voluntary. Interviewees and survey participants can discontinue their participation at any time or refuse to answer any question without consequence of any kind and without giving a reason.

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

Whose personal data are being processed?

FRA staff

Non-FRA staff

Representatives/staff from national authorities, representatives of airport or port companies and carriers, civil society organisations, independent experts, border guards, and other stakeholders.

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

Please tick all that apply and give details where appropriate

(a) **General personal data.**

- Personal details (interviewees' name, surname).
- Contact details (interviewees' email address, phone number).
- Education & Training details.
- Employment details (interviewees' and border guards' work experience, languages, name, and type of the employer/organisation, address of the employer/organisation).
- Financial details (e.g. financial identification form, bank account information).
- Family, lifestyle and social circumstances.
- Goods or services provided.
- Other (please give details):

- If the interviews are audio and/or video recorded, upon consent, voice and/or image of the participant will be processed.

(b) **Special categories of personal data** (Article 10)

- 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
- N/A

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.

(c) **Personal data relating to criminal convictions and offences** (Article 11)

- Criminal record (or similar, e.g. declaration of good conduct)
- N/A

6) Recipient(s) of the data (Article 31.1 (d))

*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? No need to*

mention entities that may have access in the course of a particular investigation (e.g. OLAF, EO, EDPS).

Designated **FRA** staff members



Designated staff members of FRA's Justice, Digital & Migration Unit and the Equality, Roma & Social Rights Unit working on the project.

Recipients **outside** FRA:



Designated staff of the contractor carrying out the interviews and survey (please refer to Section 2 above).

7) Transfers to third countries or international organisations (Article 31.1 (e))⁶

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

Transfer outside of the EU or EEA

Yes

No

If yes, specify to which country:

Transfer to international organisation(s)

Yes

No

If yes specify to which organisation:

Legal base for the data transfer

Transfer on the basis of the European Commission's adequacy decision (Article 47)

Transfer subject to appropriate safeguards (Article 48.2 and .3), specify:

a) A legally binding and enforceable instrument between public authorities or bodies. Standard data protection clauses, adopted by

b) the Commission, or

c) the European Data Protection Supervisor and approved by the Commission, pursuant to the examination procedure referred to in Article 96(2) .

d) Binding corporate rules, Codes of conduct , Certification mechanism pursuant to points (b), (e) and (f) of Article 46(2) of Regulation (EU) 2016/679, where the processor is not a Union institution or body.

Subject to the authorisation from the European Data Protection Supervisor:

⁶ **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.

Contractual clauses between the controller or processor and the controller, processor or the recipient of the personal data in the third country or international organisation.

Administrative arrangements between public authorities or bodies which include enforceable and effective data subject rights.

Transfer based on an international agreement (Article 49), specify:

Derogations for specific situations (Article 50.1 (a) –(g))

N /A

Yes, derogation(s) for specific situations in accordance with article 50.1 (a) –(g) apply
In the absence of an adequacy decision, or of appropriate safeguards, transfer of personal data to a third country or an international organisation is based on the following condition(s):

(a) The data subject has explicitly consented to the proposed transfer, after having been informed of the possible risks of such transfers for the data subject due to the absence of an adequacy decision and appropriate safeguards

(b) The transfer is necessary for the performance of a contract between the data subject and the controller or the implementation of pre-contractual measures taken at the data subject's request

(c) The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the controller and another natural or legal person

(d) The transfer is necessary for important reasons of public interest

(e) The transfer is necessary for the establishment, exercise or defense of legal claims

(f) The transfer is necessary in order to protect the vital interests of the data subject or of other persons, where the data subject is physically or legally incapable of giving consent

(g) The transfer is made from a register which, according to Union law, is intended to provide information to the public and which is open to consultation either by the public in general or by any person who can demonstrate a legitimate interest, but only to the extent that the conditions laid down in Union law for consultation are fulfilled in the particular case

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"?

The personal data referred to in Section 5 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.

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?

Document Management System (DMS)

FRA network shared drive

Outlook Folder(s)

CRM

Hardcopy file

Cloud (MS 365, see record [here](#))

Servers of external provider

Other:

- The data is stored by the contractor in the EU and not transferred outside EU.

10) 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?

See further details in the Data Protection notice: e-mail to migration@fra.europa.eu

Data subject rights

- Right of access
- Right to rectification
- Right to erasure (right to be forgotten)
- Right to restriction of processing
- Right to data portability
- Right to object
- Notification obligation regarding rectification or erasure of personal data or restriction of processing
- Right to have recourse
- Right to withdraw consent at any time